

# Legislative Assembly

Wednesday, 10 October 1984

**THE SPEAKER** (Mr Harman) took the Chair at 2.15 p.m., and read prayers.

## HOMOSEXUAL ACTIVITIES

### *Legislation: Petition*

**MR OLD** (Katanning-Roe) [2.17 p.m.]: I present a petition which reads as follows—

The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned are entirely opposed to any legislation, legalizing homosexual acts between consenting adults and also the lowering of the age of consent from 18 to 16.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 533 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

**The SPEAKER:** I direct that the petition be brought to the Table of the House.

(See petition No. 58.)

## ABORIGINAL AFFAIRS: LAND RIGHTS LEGISLATION

### *Committee: Ministerial Statement*

**MR BRIAN BURKE** (Balg—Premier) [2.19 p.m.]: I seek leave of the House to make a ministerial statement.

Leave granted.

**Mr BRIAN BURKE:** This statement is prompted by a message received from the Prime Minister only a very short time ago, hence I was unable to give the Leader of the Opposition the customary two hours' notice of the statement.

Following the Government's undertaking to set up a committee to assist with the drafting of Aboriginal land legislation I am pleased to announce to the House that the following organisations have agreed to participate—

Pastoralists and Graziers Association of W.A. Inc.;

Primary Industry Association of W.A. (Inc.);

The Chamber of Mines Western Australia (Inc.);

Australian Mining Industry Council;

Federal Government;

Australian Petroleum Exploration Association;

Aboriginal Lands Trust;

Aboriginal Advisory Council;

National Aboriginal Conference (Observer status);

Aboriginal Legal Service (Observer status); and

Association of Mining & Exploration Companies (Observer status)

The Government is waiting for confirmation with respect to those organisations which are to attend with observer status. The first meeting has already been held and other meetings are planned and it is hoped that the work of the committee will be completed by mid-November.

I am also pleased to announce that following my discussions with the Prime Minister, the Federal Government has agreed to recognise and work in close co-operation with the Western Australian Government in establishing common principles which will also accommodate the different needs and aspirations of Western Australia.

In particular the Prime Minister has confirmed by telex to my office today the following—

I confirm that the position of the Federal Government, which has been conveyed to representatives of the aboriginal community, will not involve any conflict with the position adopted for Western Australia of no right of veto.

**MR HASSELL** (Cottesloe—Leader of the Opposition) [2.21 p.m.]: The Premier has conveniently received a statement from the Prime Minister today and has conveyed it to the House now having, as he explained, given me late notice of his statement at 1.25 p.m.

I do want to take the opportunity to deal with just some of the issues arising from what the Premier is seeking to say and the whole approach that he is adopting.

Firstly, I want to say that the Prime Minister's latest statement does not, in any way, resolve the fundamental issue. That fundamental issue is whether Western Australia is to be left alone by the Commonwealth Government to make, or not to make, its own laws in relation to its land and the use of that land by the Western Australian people. There is a very clear and distinct differ-

ence between the Federal Labor Government and the Federal Liberal Opposition on this matter.

The Premier has been trying desperately hard, and for understandable political reasons, to lead the Prime Minister step by step. Eventually, the Premier hopes to say that the Commonwealth Government will accept Western Australian land rights legislation without any overriding or interfering Commonwealth legislation being introduced in that field.

Members of the House should note carefully that the Prime Minister has still not said that. Although the Prime Minister appears to have moved slightly towards the position that the Premier wants him to reach by his telex today, he has not reached the point where he is prepared to say that Western Australia's land rights legislation will not be interfered with in any way by Commonwealth legislation and that Western Australia will not be subject to Commonwealth legislation in relation to land rights of any kind.

Last Friday the Premier met the Prime Minister and they issued a joint statement. It really was not very different from what the Prime Minister said today. It was clouded in uncertainties and qualifications. I will read into the record part of that statement. It begins by saying—

The Prime Minister, the Federal Minister for Aboriginal Affairs, Mr Holding, and the Western Australian Premier, Mr Burke, met this morning to discuss land rights and Aboriginal Affairs issues . . .

Mr Burke has invited the Federal Government to nominate an officer of the Department of Aboriginal Affairs to participate in the drafting of Western Australian land rights legislation.

I ask members to note that we are committed by the Premier's words, which have been repeated often, to land rights legislation. However, it comes to this—

The Federal Government in accepting its obligations at a national level for Aboriginal land rights recognises the interests of Western Australia in addressing its problems.

Now, that, of course, is a very qualified and careful set of words. It continued—

The Seaman Commission's report and recommendations, together with the Western Australian Government's statement of principles, provide a valuable basis on which to address these issues in that State.

In other words, they provide a basis; they do not provide the answer. The State Government's policy is not regarded as the answer.

Mr Brian Burke: You must welcome the Prime Minister's statement that he will not be overriding any vetoes.

Mr HASSELL: I am not finished.

Mr Brian Burke: I am talking about today's statement.

Mr HASSELL: I will deal with that later. If the Premier will allow me to extend my time I am prepared to answer his interjections.

Mr Brian Burke: My statement was brief.

Mr HASSELL: I know, and I am entitled to speak on it. The Prime Minister said on Friday—

The Commonwealth remains committed to its constitutional responsibilities in this area. But, in fulfilling these responsibilities the Federal Government will acknowledge the particular needs of Western Australia.

The last paragraph states—

The Federal Government in developing its legislation is concerned to establish common principles which can also accommodate the different needs and aspirations of the States.

Today, the Premier read us another statement. It said—

I confirm that the position of the Federal Government, which has been conveyed to representatives of the aboriginal community, will not involve any conflict with the position adopted for Western Australia of no right of veto.

That tells us nothing. It does not tell us that the Commonwealth will not interfere in Western Australian land rights legislation or that the Commonwealth will not have overriding legislation of any kind. It does not tell us that the decision of the Western Australian Parliament will be accepted as final. That is what it should tell us.

Mr Brian Burke: That will happen in a week or two.

Mr HASSELL: Yes, I know the Premier is working on it night and day for his political reasons, which I understand. However, if he is able to get from the Prime Minister a statement that the decision of the Western Australian Parliament in this matter will be final—

Mr D. L. Smith: We cannot trust you to allow anything through.

Mr HASSELL: The member has made the very point that I have been trying to make. The difference between the Labor Party and the Liberal Party on this matter is that the Labor Party in Canberra is saying that we will have land rights legislation. It is saying that, if Western Australia adopts some form of land rights legislation, then,

for the time being, at least until the election is over, that form of legislation will be acceptable, might be acceptable, or maybe it will be acceptable, remembering the Commonwealth's constitutional responsibilities and so on, with 15 other qualifications.

However, the Commonwealth is saying very clearly also that, unless Western Australia has the will to do so or not, unless the wishes of 78 per cent of the Western Australian people are acceded to or not, this State will be subject to land rights legislation.

On the other hand, the Federal Liberal Opposition very clearly and distinctly—I have had it direct from Andrew Peacock and I have repeated it publicly in his presence—

Mr Carr: He is a good source!

Mr HASSELL: He is a perfectly good source. He is the leader of the party. I have it direct from him that if the matter of land rights is to be determined at all, it is to be determined in the States.

I make the point very clearly that, if the State of Western Australia, through its Parliament, decides that there shall be no land rights, what is the Government's position? The position of the Federal Liberal Party is quite clear. Its policy is that the matter is one for determination by the States.

Mr Parker: That is not what the policy says.

Mr HASSELL: The policy says precisely that. That is the position. The matter is one to be determined by the States. The Liberal Party is not adopting a standover tactic as is the Hawke Government which is saying to us that there must be land rights in one form or another.

That is the issue the Premier would not debate with me in the public arena. It is an issue on which the Labor Government will not allow any advertising or pamphlets to be printed regarding the fundamental question of whether in fact there should be land rights. The Opposition in this State believes there should not be land rights. There are no land rights. There are issues related to people's needs. Some of those people are black Aborigines and some are white Europeans, but they are people who need to be treated individually and on the basis of need, not race. That is the issue which the Government will not debate and the issue which the Premier will not face up to in the public arena. It is also an issue about which the Government is trying to confuse the public more and more as each day goes by—not the question of whether we have land rights, but what form it should take. The Opposition will not accept that.

The question which Western Australian people should be asking themselves is whether we should divide this State on the basis of racial origin; whether we should bring forward legislation that gives special rights and privileges to one group of people, but which are not available to another.

In the very week in which the Government is putting through this Parliament equal opportunity legislation in which it seeks to outlaw all racial discrimination, it is rushing headlong into legislative drafting in which it establishes discrimination which has been proved in practice in the Northern Territory to be a disaster of monumental proportions.

Let me say to you, Mr Speaker, the Premier and his colleagues that regardless of short-term political interests—I acknowledge the Premier's interests and I acknowledge my own—the Opposition will not sit by and allow this State to be divided while it is in its power to stop it. That is in the long-term interest of Western Australia and the Opposition stands by that long-term interest.

Because the Government does not understand I will explain the issues involved. There are, in fact, only two elements to land rights: The first element is the right to claim land because a person is an Aborigine. The second element is the right to hold that land on special terms and conditions because a person is an Aborigine. Those are the two elements.

If Government members asked farmers in Esperance whether they were able to claim unoccupied Crown land at Cascades, and establish farms on that land, the answer would be, "No". This Government has decided that that land should not be opened up. If Government members asked farmers in Dalwallinu, who want to claim unoccupied Crown land east of that town whether they can claim that land, the answer would be "No". Again this Government has decided that that land should not be opened up.

However, this Government is proposing that Aboriginal people, by reason of their Aboriginality, should be entitled to claim that very land, because of their racial origin. Therefore, the first element is the right to claim land.

The second element is the right to hold that land under special terms and conditions. That is the other half of the story. What do those terms relate to? They relate to restrictions on the right of entry, restrictions on mining, special tenure, restrictions on access by the Government, restriction on the payment of rates and taxes and execution of process and restrictions on resumption, if the Northern Territory practice is followed right through.

Mr Pearce interjected.

Mr HASSELL: I am trying to get a message across to people such as the Minister for Education who refuses to acknowledge or understand the issue.

Mr Pearce: You do not understand it yourself.

Mr Williams: You are as thick as a brick.

Mr HASSELL: The two major elements of land rights—the right to claim and the right of tenure on special terms—involve those different elements. The right to claim is based on race and the right to hold on special terms is based on race. What the Premier has done in his dealings with Canberra and with the public is to take one tiny element out of all the elements involved in half of the question; that is, the element of the mining veto.

Mr Parker: That is not right.

Mr HASSELL: That is the only thing that the Premier has said with any degree of clarity.

Mr Parker: The statement of principles included all those matters.

Several members interjected.

Mr HASSELL: I know journalists who have spent ages trying to find out what the statement of principles means and they cannot. Furthermore, neither do the people involved in the Premier's lists of participants know what the statement of principles means. Make no mistake: They do not know what is involved.

Mr Parker: Which group?

Mr HASSELL: Let me make the point I am trying to make because my time is limited. If the Premier wants to extend my time I am prepared to answer all the interjections; but I am not prepared to use up my time in answering side issues and then avoid the main point.

Several members interjected.

Mr HASSELL: That is what the Premier has done. He has taken one element out of the main issue and has substituted—

Mr Parker: That is not true.

Mr HASSELL: I suggest the Minister for Minerals and Energy go through it and get on his feet and explain to this House what land rights legislation the Government will adopt, because nobody knows precisely from its statement of principles.

Mr Brian Burke: Send someone along to the drafting party and you will find out.

Mr HASSELL: The Labor Party policy, both State and Federal, reaffirms that this Government is committed to land rights on the Northern Territory model.

Mr Parker: That is not true at all. You are misleading the House once again.

Several members interjected.

Mr HASSELL: I am not misleading the House. Is the member suggesting that the right to claim is not an element of land rights? Is he suggesting that special terms and conditions in respect of holding land are not part of land rights? Is he suggesting that the mining veto is not the only matter on which the Premier has made a moderately clear statement?

Mr Parker: That is not true. It is completely untrue.

Mr HASSELL: Even the Premier's statement as to the right of veto is not in itself precisely clear because the Premier has said the Aborigines are not to have a right of veto of mining on their land—

Mr Parker: Right.

Mr HASSELL: —but, it does not necessarily follow from that that miners and explorers will then have an automatic right of exploration or mining.

Mr Parker: They do not have that right in this State.

Several members interjected.

Mr HASSELL: They still have to consider whether they might not have to go through a tribunal, or whether they might not have to run the gauntlet of the highly paid American lawyers and others hanging onto the Aboriginal movement at the cost of the taxpayer, and take literally years to reach a decision.

Several members interjected.

Mr Brian Burke: Thirty days.

Mr HASSELL: Is the Premier saying that the veto will be determined by the tribunal?

Mr Brian Burke: I am not saying that; I am saying there will be an objection period of 30 days.

Mr HASSELL: Who will determine the objection?

Mr Brian Burke: I know you have only two minutes left, but if you send someone to the drafting party, you will get the answers.

Mr HASSELL: I thought that producing this plan would finally enlighten the Premier to the extent that he would understand for the first time the fundamental issues involved. The fundamental issues are whether Aborigines should have a right to claim land because of their Aboriginality and whether they should have a right to hold that land on special terms and conditions because of their Aboriginality. We on this side of the House are opposed to both rights. On that basis even the

Premier should be able to understand that the Opposition would not make a submission to the Seaman inquiry which was making recommendations on the form of land rights. Even the Premier should be able to understand that the Opposition is not prepared to take part in the drafting of legislation which is fundamentally based on those procedures I have demonstrated, which are in conflict with the policy in which we believe.

The Premier has received more confusion and more gobbledygook from the Prime Minister and it has been done quite deliberately because this Government is committed to land rights. It believes that by confusing the issues it can avoid facing the people on the question of whether there should be land rights. However, the Government cannot avoid facing the people because it will be taken to the people on that issue.

## MEMBER OF PARLIAMENT

### *Leave of Absence*

On motion by Mr Williams, leave of absence granted to Mr Thompson for 11 weeks on the ground of ill health.

## BILLS (4): INTRODUCTION AND FIRST READING

1. Land Tax Assessment Amendment Bill.  
Bill introduced, on motion by Mr Brian Burke (Premier), and read a first time.
2. Mines Regulation Amendment Bill.  
Bill introduced, on motion by Mr Parker (Minister for Minerals and Energy), and read a first time.
3. Bee Industry Compensation Amendment Bill.
4. Beekeepers Amendment Bill.  
Bills introduced, on motions by Mr Evans (Minister for Agriculture), and read a first time.

## GRAIN MARKETING AMENDMENT BILL

### *Second Reading*

Debate resumed from 20 September.

**MR OLD** (Katanning-Roe) [2.45 p.m.]: Although this amendment is small as far as the Act is concerned, it is very important to the industry. The Opposition has studied the amendment closely and believes it is a desirable amendment to the Grain Marketing Act. It will make the marketing of grain easier for the Grain Pool than it has been in the past because it will give better accessibility to finance.

Under the Act previously the only avenue of finance that would attract a Government guarantee was the Reserve Bank. I know that the Reserve Bank at times was not terribly enthusiastic about making the finance available because this type of trading does not come within the province of that bank. However, in the past it has provided a valuable service to the Grain Pool and it should be put on record that the industry appreciates the assistance given by the Reserve Bank in providing finance for the marketing operation.

However, the interest rate levied by the Reserve Bank was greater than that which was available in other States to other grain marketing authorities. Therefore, the grain marketing authority in Western Australia made it known that it would like access to private banking services and, if necessary, overseas banking facilities. This amendment covers that.

The Grain Pool will still be able to attract a Government guarantee for the prescribed grains—barley and lupins—but will not be able to do so for non-prescribed grains, such as oats. This has always been the case. The Grain Pool will also be able to go into the money market and raise money either by promissory notes, pledging security or by Government guarantee. The Grain Pool will decide how it wishes to raise money.

There has been some conjecture about the operations of the Grain Pool and its financial arrangements. In *The Western Mail* recently Tim Treadgold made some remarks on this subject under the headline "WA harvest jitters—Grain Pool sweats on State loan guarantees". The implication was that the Grain Pool had already gone ahead and received a Government guarantee. I understand that such is not the case. The Grain Pool certainly has made preliminary investigations—and I believe it is quite within its charter and rights to do so—as to the availability of finance from various sources in anticipation of this Bill being passed by the Parliament of Western Australia. As the harvest, if not already under way in the northern part of the State, will certainly be starting very soon, I believe that was a necessary step for the Grain Pool to take. It must be ready to pay first advances and, therefore, I believe it has taken an appropriate course of action in making preliminary arrangements.

The grain that is not prescribed, to wit, oats, does not carry a Government guarantee and that situation should be clarified. The Grain Pool purchases warrants from growers who deliver oats to Co-operative Bulk Handling Ltd. and when it has received sufficient oats for its requirements it fulfils orders. It pays those warrants by raising

money against the warrants as grain is delivered and drawn from.

That again is a perfectly legitimate operation, one with which I feel people interested in the industry would go along. There is a provision in section 36 of the Act which allows the Treasury to place conditions upon the Grain Pool when granting a Government guarantee. This is again quite proper, because it is in the interests of the taxpayers of Western Australia who are backing that guarantee.

Although no great restraints have ever been put upon the Grain Pool as far as fees for services are concerned, my understanding is that in the future possibly some fee will be charged to the Grain Pool for the accommodation provided by the Treasury. This is a very proper action and one which would be expected in a fully commercial operation. When the Grain Pool was restructured and the new Grain Marketing Act was enacted, the idea was to make it a truly commercial structure to give the Grain Pool more latitude in its operation, and subsequently to benefit the grain growers of this State.

In conclusion I would like to say that I believe the activities of the Grain Pool are to be commended. The elected members and those appointed by the Government apply themselves diligently to the task they have; that is, to market the coarse grains of Western Australia. This is a grower organisation which sets a very good standard in marketing, one which is competitive world wide and one which acquits itself very well. The Opposition supports the Bill.

**MR COWAN** (Merredin) [2.53 p.m.]: The National Party supports this legislation. It is imperative that the Grain Pool be given right of access to the same finance as most of the other bodies with which it is competing for a share of financial resources.

When we talk about funding the Grain Pool, we must realise that its needs are fairly great, and sometimes when money is in short supply it is very necessary for the Grain Pool to be able to look at all avenues where it can obtain funds in order to distribute them to growers. The National Party supports the Bill.

**MR EVANS** (Warren—Minister for Agriculture) [2.54 p.m.]: I thank both members for their support of this Bill. I think all members will agree that this is one measure which should be supported. It is also a measure I am anxious to see passed through both Chambers to enable the Grain Pool to arrange its finances. There is a degree of urgency about this.

The several points which may have needed an explanation no longer do, because they were touched upon particularly by the member for Katanning-Roe. The fee for accommodation by Treasury is part and parcel of it. It will come back to the discretion of the Treasury as to whether a fee should be raised and how much should be charged. The point made about prescribed grains and non-prescribed grains certainly clarifies that issue.

The only matter I wish to mention is the wording used in the Bill, which is similar to that provided for other organisations such as the State Energy Commission. There should be no difficulty with the terminology.

I conclude by endorsing the remarks of the member for Katanning-Roe about the role of the Grain Marketing Board of Western Australia. It has maintained its competitive capability with international organisations, and it has served the grain growers of this State very well indeed. I thank members opposite for their support and commend the second reading.

Question put and passed.

Bill read a second time.

#### *In Committee, etc.*

Bill passed through Committee without debate, reported without amendment, and the report adopted.

#### *Third Reading*

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Evans (Minister for Agriculture), and transmitted to the Council.

### **EQUAL OPPORTUNITY BILL**

#### *In Committee*

Resumed from 9 October. The Chairman of Committees (Mr Barnett) in the Chair; Mrs Henderson in charge of the Bill.

Progress was reported after clause 14 had been agreed to.

**Clause 15: Professional or Trade Organizations, etc.—**

**Mr LAURANCE:** The Government has seen fit not to accept any of the amendments put forward by the Opposition to date. I hope that there will be some further progress today in the Committee

stage and that the Government will see fit to accept some amendments.

Remembering the Bill is about equal opportunity and about avoiding or eliminating discrimination, clause 15 talks about trade unions and professional organisations. We want to put it clearly to the Government that there should be no discrimination at all in terms of membership or otherwise of trade unions.

The member for Gosnells, who is handling the Bill, would know that in another place last evening the Opposition moved successfully to remove a compulsory unionism clause being sought by the Government to be placed in the Industrial Arbitration Act. If we are talking about having no discrimination, let us be perfectly clear that we mean no discrimination. If a person goes for a job, one cannot discriminate against that person on the basis of whether he belongs to a trade union. The member would agree that the Government does not want discrimination in the workplace, and it has gone to great lengths to point that out. We support that move as we do not want any discrimination in the workplace. If two people go along for a job, and one of them is a member of a trade union and another is not, neither of them must be discriminated against. They must be treated perfectly equally. If the Government accepts that, it has our support.

When the Acts Amendment and Repeal (Industrial Relations) Bill (No. 2) comes before this Chamber, we do not want the Government to move to insert the compulsory unionism clause, because that would be supporting discrimination—something that is abhorrent to the Government members. We would welcome the attitude of Government members if they said, "We do not want to put that compulsory unionism clause in the industrial relations Bill because it would run counter to what we are doing with the Equal Opportunity Bill".

Right from the start we made it clear that we believe in equal opportunity and we are opposed to discrimination of any form. The Government has said, "We do not want any discrimination because of sex, marital status, pregnancy, race, or political or religious conviction". We add to that list, "or membership or otherwise of a trade union". It is inconsistent for anyone on the Government side to say that the Government does not believe in discrimination yet it believes in "No ticket, no start", or "You have got to be a member of a union to get a job". We are asking the Government to be consistent on this.

I refer to clause 15(3)(c). We do not want any person to be subjected to any other detriment.

Detriment should not be offered to any person whether that person belongs to a trade union or not. We want a clear indication from the Government that it will not allow discrimination of that type. In that case, it will ensure that nothing in this Bill works to the detriment of anybody who is not a member of a trade union. When the industrial relations Bill comes before this Chamber, the Government should not move to put a clause in that Bill giving preference to unionists—in other words, a clause which discriminates in favour of unionists.

That is a very clear point. It could not be clearer than that. We support equal opportunity and are opposed to discrimination in any form, particularly when it relates to the membership of a trade union.

I refer to clause 15(1). What about an understanding that all individuals cannot do any of the things outlined in this subclause? What about a subclause indicating that an individual cannot be subject to any discrimination or suffer any detriment whether he belongs to a trade union or not?

If the Government does not agree with that principle, how can it say, "We do not want to have discrimination according to sex, marital status, pregnancy, or religious or political beliefs, but we believe in discrimination in the workplace according to whether you are a member of a trade union or not". If that is the stance of the Government, we reject it totally. It means that the Government stands for discrimination, and we oppose it.

We have seen the Minister for Police and Emergency Services saying, "I did not see those walls knocked over by those people the night before. They must have fallen over by themselves". We have seen discrimination and thuggery, and standover tactics.

Mr Jamieson: Who knocked them over?

Mr Carr: That is a matter that is actually before the courts at present.

Mr LAURANCE: I hope so. I hope the Minister is supporting that. When we brought the matter before the Parliament, the Minister said, "We have no evidence of any of that".

The CHAIRMAN: Order! Let us reflect on some comments that were made in respect of a matter. I ask the member for Gascoyne whether he is aware that the matter to which he referred is before the court. Is it, in fact, before the court?

Mr LAURANCE: I can only answer that by way of the interjection by the Minister for Police and Emergency Services. Other than that, I do not know whether any matter is before the court.

Mr Carr: The matter the member referred to relating to the knocking down of walls is either before the court or has been dealt with by the court. I am not sure. I do not know whether the case is actually concluded or not.

Mr Jamieson: There are still some matters to be dealt with.

The CHAIRMAN: Order! The member for Gascoyne places me in a rather difficult position. I do not want to preclude him from making mention of something that is not in fact before the court, but there is a possibility that it is. I ask, therefore, that he respect the possibility of *sub judice* being breached and that he refrain from making comment about that particular case.

Mr LAURANCE: Certainly, although the Minister for Police and Emergency Services cannot even tell the Chamber whether it is before the court.

Mr Carr: You only raised the whole question to try to claim that the police were not acting upon advice that was available to them; and I can assure you the police acted—

Several members interjected.

The CHAIRMAN: Order!

Mr LAURANCE: The Government allows discrimination in the workplace every day of the week. The Government approves of standover tactics. When somebody wants to retire from the standover tactic business, he is retired to the Public Works Department and put on compo for life. They are the sorts of things the Government does. It believes in discrimination and actively promotes it. The Government allows discrimination in the workplace but brings a Bill here saying that there shall be no discrimination. How hollow, shallow, and hypocritical!

We do not want discrimination. We support this Bill, and as long as the Government says, "We won't stand for any discrimination in the workplace according to sex, marital status, pregnancy, religious or political convictions, or trade union convictions", we will know that the Government is dinkum. Until then, the legislation brought before the Parliament is a shallow farce. I ask Government members to join with us in being truly against discrimination. The Government cannot say it supports no discrimination when it allows standover tactics, walls being pushed over—not the walls I referred to earlier, but other walls—and other thuggery being committed, with thugs in the community discriminating against people. That is what happens in the workplace, and the Government supports it. It is part of the Government's system.

Mr Jamieson: Who pushed walls over?

Mr Carr: What thuggery are you talking about?

Mr LAURANCE: Let us make sure that we really believe in this clause which relates to trade union organisations and employer organisations. Let us show that we are dinkum in our belief in non-discrimination. We believe in equal opportunity; let us not make it equal opportunity for some people and not for others. Let us make it equal opportunity for all—those who choose not to join a trade union as much as those who wish to join one. If the Government indicates that is how it stands, we will believe it is dinkum and not just bringing a hypocritical sham to the Parliament.

I will not seek to amend clause 15, but it is an appropriate clause on which to raise those pertinent, philosophical matters. I hope the Government has taken notice of what I have said.

Mr TRETHOWAN: When I read this clause, I wondered at its relevance. Was it placed in the Bill in order to ensure that the vast number of people who have been precluded from membership of the Confederation of Western Australian Industry, the Western Australian Chamber of Commerce and Industry, or the Australian Institute of Management and other similar organisations on discriminatory grounds should have their wrongs redressed?

Alternatively, was it included because there was a real and underlying concern that someone may be precluded from membership of a union on the basis of the discrimination outlined in the clause? What was the importance of that? Why did that become important, because the balance of this clause deals with discrimination in employment? Why was it important that a person should not be so discriminated against in joining an organisation of employees? Could it be that the importance rests on the fact that membership of an organisation of employees, if the Government has its way, will be mandatory for employment? Therefore, in other words, unless one is a member of an organisation of employees, one will not be able to achieve employment.

If one accepts that proposition, one can see the extreme importance of requiring someone not to be discriminated against in terms of gaining membership of such an organisation, because the ticket to membership of that organisation is the ticket to employment, the ticket to employment is the ticket to income, and the ticket to the lifestyle that we enjoy in this community. Is that the underlying importance of this clause, because it is certainly the attitude that is evinced by the Government and was evinced last night by the Government in



the other place in regard to employment? It is the attitude that is proposed and supported by the trade union movement that there shall be no employment for people who are not members of associations and organisations of employees. In other words, the Government supports that if one is not a member of a union, one cannot gain employment.

If one wants to be covered by an award, one must pay for it by membership of the trade union relevant to the award, and one shall not work unless one is a member.

Of course, if that is the principle on which one operates—that one shall not work unless one is a member of an organisation of employees—it is very important that no-one be discriminated against in terms of joining that organisation.

I just wonder how members on the Government side react to the kind of closed shops that some unions, particularly in the maritime area, have evinced where they have found that there are insufficient jobs available for their current membership lists and, therefore, they are not prepared to admit further members until the number of jobs increases; and that is an established fact in regard to a number of maritime unions.

Mr Jamieson: It is like a migration policy.

Mr TRETHOWAN: It is not at all like a migration policy; it is like discrimination in the workplace—discrimination which supposedly this Bill has been introduced to overcome, but discrimination which is tacitly accepted by the Government, and that is the reason this clause is thrown in for highlight.

That is the reason that it is so important that no-one be discriminated against in terms of joining an association of employees, because, if the Government and the trade union movement have their way, if one is not a member of an organisation of employees, one will not be able to work; so no membership and a bar to membership by discrimination means one does not get a ticket, one does not get work, and one does not obtain a lifestyle that is enjoyed by the rest of the community. That is why we, in the Opposition, are so concerned about the hypocritical attitudes which are being expressed in relation to this matter as to what is being said in this Chamber and what was said last night in the other place.

Mrs HENDERSON: I am at a loss to understand why the Opposition has chosen this clause on which to launch forth on its anti-union campaign, because if members read the clause they will find it bears no relationship to the arguments they are canvassing. In fact, the clause says that unions and bodies of employers may not discrimi-

nate against a person on the grounds of the person's, sex, marital status, or pregnancy.

Mr Laurance: Or their membership or otherwise of a union.

Mrs HENDERSON: The clause says that in applying for membership of a union or organisation of employers, that body may not discriminate against the applicant for membership purely on the basis of the person's marital status, sex, or whatever. That bears no relationship whatever to the question of whether we ought to have a separate criterion in the Bill which indicates that, in addition to the prohibition of discrimination on the grounds of sex, etc., we should also prohibit discrimination on the basis of membership or non-membership of a union. That would be a totally new criterion which we would have to add to our list of criteria at the beginning of the Bill.

This is not the appropriate place to discuss this issue, because in this clause we have recognised that unions are bodies which must comply with the legislation. Had we not done so the Opposition would be the first group to leap up and say, "What about unions which discriminate?"

Therefore, we have specifically included unions and organisations of employers. I remind the member that, in the same way as reference has been made to the idea that for some jobs, persons must belong to certain unions, in a large number of trades and professions, in order to practise one must belong to the relevant professional or trade organisation and those bodies would also be unable to discriminate against an applicant on the basis of sex, marital status, or pregnancy.

However, I return to the general point. Were Opposition members genuine in their concern about this and not, as I suspect, shooting from the hip pocket as a result of last night's debate in the other place, they would have moved a whole new criterion at the beginning of the Bill. Had they done that, I suggest they would have been trying to put in two separate Bills a matter which is covered adequately by the Industrial Arbitration Act.

Mr Laurance: That is hypocritical.

Mrs HENDERSON: The member for Gascoyne would know, as would other members, that prior to the amending Bill passed in 1979, which was proclaimed early in 1980, provisions existed in the Industrial Arbitration Act for preference clauses to be inserted by unions in awards and also for persons to lodge conscientious objections against belonging to unions.

I shall indicate the numbers of persons who applied to the Industrial Commission for exemption from union membership on the ground of

conscientious objection. For example, in 1980, 1 432 applications were made to the commission for exemption on the ground of conscientious objection, and another 1 040 applications were renewed from the previous year. In 1979, 1 300 applications were made for exemption on the ground of conscientious objection and 798 were renewed. In 1978, 1 211 applications for exemption were dealt with; 713 exemptions were issued; 375 applications were withdrawn; and 133 applications were pending.

Therefore, it can be seen that, where provision for preference existed in the Industrial Arbitration Act, adequate avenues were available to those who wished to lodge an exemption application on the ground of conscientious belief. They could take their applications to the Industrial Commission, they could argue their cases, and they could be granted an exemption. I have not heard anyone suggest that that system did not work.

However, when the Opposition amended the Industrial Arbitration Act, it removed that section and made it impossible for the Industrial Commission to insert a preference clause in any award.

Therefore, the Industrial Arbitration Act as it stands today does not allow for compulsory unionism in any respect, nor does it allow the Industrial Commission to even consider that matter. In fact, it specifically prohibits the following things: Consideration of compulsion to join a union to obtain or hold employment; preference of employment at the time of, or during, employment by reason of being or not being a member of a union; non-employment by reason of being or not being a member of a union; and housing rentals, collection of union dues, and matters of managerial prerogative.

Mr Laurance: Do you intend to continue to support those things?

Mrs HENDERSON: I suggest to the member for Gascoyne, that if he is serious and he is concerned about the new section which is proposed to be inserted in the Act by means of the industrial relations Bill currently before the upper House, a section which allows for an extremely limited form of preference at the point of engagement only, which is quite different from what existed prior to 1979, he should be seeking to reinsert the conscientious objection clause in that Bill.

It belongs to that Bill; it does not belong in this one. If it appeared twice it would create confusion. Two Bills dealing with the same matter would confuse people because they could find a certain matter covered by one Bill and they could find an appeal in the other.

That was not a good point to have been raised by the member for Gascoyne, and I am disappointed he should have done so, because up to now the standard of debate has been quite good. It is unworthy of the Opposition to have raised this point, probably as a result of the debate in the other House.

This Bill deals with specific areas of discrimination. The Government is not claiming that it covers every form of discrimination. In my second reading speech I made reference to discrimination against handicapped persons, the aged and various other people not covered by this Bill; I explained that the Government would be keeping an open mind on discrimination in those areas and would be looking carefully at complaints filed on matters of discrimination not able to be dealt with under this legislation. I indicated that at some future time the legislation could be amended if necessary.

The point raised by the member for East Melville really left me speechless, because he said that by requiring trade unions or organisations of employers not to discriminate, we were somehow in a very sinister and underhand way seeking to introduce compulsory unionism through this legislation. Nothing was further from the mind of the Government when drafting this Bill. We see no relationship between this legislation and compulsory unionism.

We are wanting unions not to discriminate in the same way as we are wanting employers, or real estate agents, or providers of goods or services, or anyone else, not to discriminate. We are saying that the same provision is to apply to unions and to organisations of employers. I defend the clause on those grounds and suggest to the member that he ought to address his concern to the appropriate Bill.

Mr TRETHOWAN: I am very grateful to the member for Gosnells for reinforcing the argument I put forward; her comments proved a number of things. One is that in spite of the fact that this Bill has a clause dealing with discrimination in employment in the workplace, it does not in any way cover discrimination on the basis of membership of a union. Secondly, the member for Gosnells agreed with me last night when I said that one of the most important, real, proper and true affirmative actions a Government can take to remove discrimination is to remove legal bars that discriminate. That is what we did when in Government with the Industrial Arbitration Act, because we removed a legal bar that required discrimination in the workplace. The law at present does not have discrimination in the workplace on the basis of membership or non-membership of a union.

The point I am making is that this clause is highlighted in its importance because it deals with the discrimination that may be exercised in relation to a person's membership of a trade union, and it seeks to prevent discrimination where someone is offering himself for membership of a trade union. This becomes highlighted when we consider the Government's action in another place in seeking to introduce discrimination in the workplace on the basis of union membership. That is the point I was making, that is the point the member for Gascoyne was making, and that is the point of the whole argument that was underlined by the member for Gosnells herself.

It is a hypocritical attitude for a Government to seek in one House of Parliament to remove bars to discrimination in the workplace, while in the other House of Parliament to seek to introduce discrimination.

**Clause put and passed.**

**Clauses 16 to 21 put and passed.**

**Clause 22: Clubs—**

Mr LAURANCE: This clause provides that a club or a committee of management of a club is not to discriminate against a person according to that person's sex, marital status or pregnancy. Other clauses provide that clubs should not discriminate on other grounds. I will take this opportunity to speak about clubs generally. I know some clubs have discriminated against certain members, and I think this discrimination has largely been tolerated in our community because clubs are a bit like the argument we were using about partnerships—clubs are voluntary organisations.

In country areas a person wanting to join, for instance, a bowling club, might not have a choice of clubs, because there may be just one club in the town. If a person decided to join that club he would have exercised a choice. A town with two clubs would provide a person with some choice, although in a town like Carnarvon, my home town, a person would have to travel 300 miles in one direction and 250 miles in another if he wanted to join another club because he did not like the rules of the Carnarvon Bowling Club.

Let us consider the rules of a bowling club such as Carnarvon's, a club with which I am very familiar. The rules of that club come about in two ways; first, the local by-laws are drafted by the members themselves, and these rules are drafted in a free way, being contributed to by members and associates, both groups having their own committees. If a person wanted to join that club he would have to accept those local rules. So those by-laws are drafted in a democratic way by the members of the club.

Other rules affecting the club are imposed by the Royal Western Australian Bowling Association, and its rules apply to all clubs. As those rules are applied to the Carnarvon Bowling Club, so they are applied to people who seek to join that club. And we must accept that the people who are elected to the RWABA have been elected in a democratic way. They make rules for the benefit of all the bowlers of the State; so if a person wants to become a bowler he has a compulsion to accept those rules.

This is exactly the same argument as the Government uses when it says that a person wanting a job must belong to a union. We are saying here that if a person wants to play bowls he must comply with the rules laid down by the freely elected people who run bowls in this State. Of course the difference is that most people need to have a job, whereas people wanting to play bowls can exercise a choice. If the Government insists that people need a union ticket to start work, it must also accept that people who want to play bowls must accept the rules of the RWABA. What I am doing here is highlighting the hypocritical stance of the Government.

Membership of a club brings with it privileges and responsibilities; presumably if there were no privileges people would not wish to join. Some of the responsibilities are imposed by the by-laws of the local club, by-laws which have been drafted by the local committee members, who have been freely elected. If a person does not like those by-laws he can seek to have them changed.

A person has the right to get himself elected as a member of Parliament to help to change the rules in this place. Other rules are made by State or national bodies and once again they are not made in isolation but by people who are freely elected. Presumably they make the rules for the benefit and advancement of the organisation they represent. Surely the people who make the rules about how bowling will be conducted in WA do not do it to the detriment of bowling but for the advancement of bowling, and one would hope that all the rules they make would be for the benefit of all bowlers. Election does bring with it some responsibilities.

It has been put to me that this proposal is an intrusion into club life and an amazing number of women have said to me that they are quite happy to be associate members of clubs and do not want to be equal members; therefore they do not want the Government intruding on their club life. I have not sought that information. People have given it to me. I know some discriminatory rules can be found within clubs.

Mr Troy: Do you think the others are likely to approach you?

Mr LAURANCE: Yes, I think so. Mr Chairman, I will not indulge the member at great length, but I think he would acknowledge, particularly as he is from an outer metropolitan seat, that his electorate has similarities to my own country electorate: that people approach us in the local bowling club, no matter what political persuasion they have.

Mr Troy: No, it has nothing to do with political persuasions.

Mr LAURANCE: Dealing with their feelings about a Bill? It probably happens in the city, but only metropolitan members could answer that question. I am talking about a country situation and as members would know if they spent an hour or two at their local bowling clubs I am sure they would be approached on a wide variety of issues. Members of Parliament do not seek out people and ask, "What is your stance on this Bill? I will only talk to you about it if you and I agree". That only happens in the city.

Most people would say, "What is this rubbish about? Why can't they leave us alone? Our club is operating satisfactorily". I have not had people coming to me saying that clubs are discriminatory or that they do not like the way clubs make them do something or other. The Government acknowledges that to a certain extent by the exemptions that have been inserted in the Bill, such as single sex clubs. I attend some organisations once a month, if I have the opportunity to do so, and they are all-male organisations. Other organisations are all-female ones. They have the right to continue operating under this legislation and they are given specific exclusion under this Bill which I think is fair. But by inserting those exclusions the Government recognises that clubs are established for a variety of purposes, some of which are all-male purposes, some all-female purposes, and others are mixed and have different classes of membership. They are established for the benefit of their members and not necessarily to discriminate against or exclude any members; by definition all clubs are associations of people which have worked out rules to suit them.

In most cases people have the chance to go somewhere else, to start their own club, or to belong to another club if they do not like a particular club. I am not saying that I agree with discrimination in clubs, but I make the point to the Government that the approaches I have received about this matter are to the effect that the Government is interfering in an area where generally people are quite happy with the status quo;

they largely accept the rules and regulations of any clubs they attend and are quite happy to abide by them. In fact, the majority of club members work their insides out to support those clubs and to ensure their goodwill and continued advancement even though the member for Gosnells and members opposite say those rules are discriminatory.

I really think we must be a little careful and sensitive in dealing with this area of clubs because, by and large, they work extremely well according to laws and rules that are made by their own members in a very free way, and they are rules which generally all members comply with and support.

This is an area of some sensitivity and I trust the Government will ensure that the people it sets up to administer this Bill will treat clubs in that manner.

Mrs HENDERSON: I think there has again been a misunderstanding of the intent and the actual way in which this clause will operate. Nothing in this clause prevents a bowling club from having full and associate memberships if it wishes. The only thing clubs are not allowed to do is to discriminate between those two groups purely on the basis of the sex of a person who joins the club. If female members of a bowling club wish to remain associate members, so be it. Male members may also wish to be associate members and that opportunity should be available to them, but equally women should be able to become full members if they wish as men are able to do.

It is interesting that the member for Gascoyne talked about club rules being devised democratically by the members and therefore any intrusion by the Government would be unwarranted. I put it to him that by and large among the bowling clubs of which I have any knowledge the rules are in fact devised and adopted at annual general meetings at which associate members do not have a vote. The fact that the rules are devised by the full members of a club—who are by definition in those rules normally males—automatically excludes women. Therefore, to represent the wills and the democratic wishes of club members one has to be a full member of a club.

Mr Laurance: Except that the rules made by women generally are devised by the associates at their annual general meetings and they decide what length a woman's skirt must be from the ground or something of that kind. A man does not have to go out and abide by those rules.

Mr Burkett: That is correct, but the men generally at the annual general meetings make rules so that women cannot drink in a certain bar, are not

allowed to go around near the turfed area, or that they cannot go into another area.

Mr Old: Which side are you on?

Mr Burkett: They do not have a vote.

Mr Old: The original male chauvinist!

The CHAIRMAN: Order!

Mrs HENDERSON: To add to the member for Scarborough's comments, it is normally male members at an annual general meeting and the general overriding body which determines the constitution. It may be that women associate members get together and decide on the length of skirts, I do not know; but I know that altering the constitution to which the member was alluding is generally done by full members.

Mr Laurance: I do not really want to be elected to a committee which will decide what length my skirt must be from the ground because I do not wear a skirt!

Mrs HENDERSON: I assure the member for Gascoyne that there is nothing in the Bill to that effect.

Mr Burkett: Or even that you have to wear a skirt!

Mr Laurance: Or to make it compulsory or retrospective to do so!

Mrs HENDERSON: The member for Gascoyne talked about unwarranted Government intrusion into areas where it has no business, and I guess one could rate the compulsory wearing of seat belts as Government intrusion. One could say that every person should have the right to choose to attend a cricket match and if the person at the gate said, "We do not allow Asians or Catholics in this ground", there would be a general outcry. Even though a cricket match is open to the public it is purely up to each person to decide if he wants to attend. The clause does not mean that people can discriminate against other people who wish to enter a cricket match. We do not accept that sort of situation and there is no reason that a bowling club should be any different.

I am interested that the member for Gascoyne talked about people who had made statements to him that they did not want this sort of Government intrusion. I hope he understands that the Bill does not prevent different classes of membership. It only prevents people being defined in terms of sex, marital status, or race. He should go back and explain this to his constituents.

The member for Gascoyne may have noticed the letter in the newspaper—which is quite interesting reading—in respect of a country bowling club. A woman complained that she had to compulsorily make the tea in order to play

bowls on Thursdays. That was one of the rules of the club and because she did not have a vote she could not vote to abolish that rule. She resented that situation and wrote a letter to the daily newspapers expressing her concern. I imagine many people are concerned about the current situation and it is for that purpose that we have introduced this measure.

**Clause put and passed.**

**Clause 23 put and passed.**

**Clause 24: Sexual harassment in employment—**

Mr LAURANCE: In line with our consistent approach to this Bill in which we have indicated our support for equal opportunity and our opposition to any form of discrimination, we oppose sexual harassment.

It has been said that sexual harassment occurs in the workplace. I have no doubt that it does. When questioned last night, the Minister for the Arts said he had no knowledge of it, and nor do I. Therefore, I do not speak from personal experience, but I can understand that this does take place.

The member for Whitford illustrated one such case. I was sorry to hear of it and I am sure she was upset about it. It was obvious she was upset about it, because of the way in which she mentioned it. I would be disturbed if any parent came to my electorate office and told me such a story.

In the 10½ years I have been in Parliament I have had only one complaint like that. I took up the complaint with the Social Security Department. It was a case where a young lady left her employment, and because she had left voluntarily she was not eligible for unemployment benefits. This demure young lady came to see me with her mother and convinced me that what she had said was true. She said she had been harassed in the workplace and this caused her to leave her job.

This occurred early in my political career, and I made what I consider to be one of my few mistakes. I rang the regional office of the Social Security Department in Geraldton—300 miles away—and spoke directly to the person in charge there.

I knew that person well, because of my dealings in the area. I told him I had a young lady in my office and that it was obvious she had been discriminated against. I asked that he redress immediately the situation. He immediately reinstated her unemployment benefits.

The following morning the regional director from Geraldton rang me and asked whether I realised that the young lady had told this story

seven times before. Apparently she secured a job for a couple of weeks then announced that she had been sexually harassed. He said that despite the agreement he had made with me to reinstate her unemployment benefits, he could not in all conscience do so because the young lady had told this story seven times before.

I said I was sorry and that I should have let her leave the office and then contacted him so that he could look up her file. As it was, he had given an off-the-cuff answer.

The CHAIRMAN: Order! It appears that a number of second reading debates are developing during Committee. These second reading debates have been designed loosely to fit around the clauses. That really is not what the Committee is all about. It is not an occasion for another second reading debate. If the member wishes to make further comment of that type I suggest the third reading stage might be appropriate to do so.

Mr Blaikie: It was an interesting comment.

The CHAIRMAN: It was. That is the reason I waited until the end.

Mr LAURANCE: I ask the member for Whitford whether there was not anything she could do about the matter she illustrated. If this clause has been provided because it is the only way to seek redress or to prevent sexual harassment occurring, then I accept that. However, I wonder if it is necessary. I do not oppose the clause, but there must be another way to seek redress.

I am surprised the member could not do something about this problem. We have a Parliament where people can be named, without fear of reprisal.

Mrs Beggs: The member for Gascoyne should realise that naming someone in this Parliament about that matter would have a devastating effect on a whole lot of other people, apart from the woman concerned. That man has a family. I am not that irresponsible. What I am saying is that the legislation will allow someone who has been harassed in that way, through no fault of his or her own, to have redress to a body that can conciliate. In most cases, as you would know if you looked at the experience in other States, that young lady could have been compensated.

Mr LAURANCE: I am not criticising. I was just asking whether anything could have been done. There was nothing the member was able to do?

Mrs Beggs: Absolutely not.

Mr LAURANCE: Nothing under the criminal law? Did not that person break the law?

Mrs Beggs: He broke a social law. He intimidated a young person. He didn't commit sexual assault; he committed sexual harassment.

Mr Pearce: When I was shadow Minister for Women's Interests a lot of cases of sexual harassment came to me, and because there was no redress and no legislation I used to write a letter to the person's employer and say that the case had been brought to my attention and would the company take some interest in the matter. I did this because we were seeking a voluntary code, and I received a lot of sympathetic replies. I also received a lot of put offs. I think the member for Whitford is right; because there are cases like this and there is no prospect of action in any co-ordinated way, maybe a clause in the Bill is worth a try.

Mr LAURANCE: I am not disagreeing. It is appropriate that the member brought that matter forward. It was one of the highlights of the second reading debate. The member has answered my question and is saying that this clause is necessary. If it achieves redress, I believe it is an improvement. However, it will not change attitudes because they are a way of life. Things will not happen just because we believe they should not happen; we all know they do. That is just a part of life. The situation works both ways. I have put forward the other side of the coin.

The young lady certainly deceived me. I was not 100 per cent certain she was wrong. It was difficult for me to determine the case.

Mrs Beggs: If you bring the two persons concerned before an independent arbitrator, I can assure you that quite often the truth comes out.

Mr LAURANCE: One of the difficulties is if one tries to conciliate one may be able to compensate, but not reinstate.

Mrs Beggs: It would be impossible.

Mr LAURANCE: The girl concerned may not wish to be reinstated.

Mrs Beggs: It could be determined that the person would receive an excellent reference and that this would not happen again.

Mr LAURANCE: It would teach a lesson to the person concerned.

Mrs Beggs: Exactly!

Mr LAURANCE: The employer could have simply forgotten himself on this occasion. However, we do know these things happen in the workplace and if this clause is effective it may assist in helping to overcome that problem in our community.

It is a very difficult area in which to legislate. I did not rise to criticise anybody, certainly not the

member for Whitford. I wanted to make the point about how difficult an area it is. I hope this clause will be effective in the future.

Mr TRETHOWAN: I understand the serious nature of the cases discussed under this clause. I really do not want to deal with that form of harassment; that is, of an employer harassing an employee, or one employee harassing another.

I assure members I do not mean this facetiously, although it may appear to be so in the first place. Why are there no grounds to protect the employer who has been sexually harassed? The reason this question may appear to be facetious is that there seems to be an obvious recourse to an employer who is unwelcomely sexually harassed—to dismiss an employee. In many cases that is not as easily done as said. It may be in small business, but it is not in large business because there may be both industrial and pecuniary costs to such a dismissal. It relates, for instance, in some large organisations to pressure on last-on-first-off criteria and provisions in certain awards, and, if they become mandatory in this State, the redundancy compensation provisions for dismissal.

Should it not also be included that harassment of an employer constitutes a ground for dismissal, both in relation to this proposed Act and other Acts of Parliament?

Mrs HENDERSON: In response to the member for Gascoyne's concern about the necessity for legislation, I guess there is one other avenue where employees can seek redress, and that is through their union. If their union negotiates on behalf of the employee it is sometimes possible to reach an amicable agreement. The key to the question of whether this legislation is necessary lies in the type of woman who complains, and I do not mean that in a derogatory sense; but research shows the type of situation in which harassment is more likely to occur.

A survey was conducted and it has been referred to in some detail in the annual report of the New South Wales Anti-Discrimination Board. It found the vast majority of those people who suffered sexual harassment were young, not members of unions, and were generally lacking in knowledge of their rights and self-confidence and the capacity to defend themselves. The report stated—

The women complaining of sexual harassment in these work situations are typically young and poorly educated. They are almost always not a member of a union and, in addition to sexual harassment, are exploited in their rates of pay and working hours. They complain that their employers treat them as if

they "owned" them. They also complain of verbal abuse, physical touching and grabbing, and repeated and sometimes violent requests for sexual relations which, they are told, it is part of their job to provide.

The interesting thing about these annual reports is that they show an increasing level of complaints about sexual harassment, and this seems to be exacerbated by current levels of unemployment, particularly among young people. Perhaps the member was asking why a person could not take up the complaint herself in the workplace, and why we need legislation. I refer again to the report of the New South Wales Anti-Discrimination Board which says that the survey showed—

complaints are not treated seriously

complaints result in no action being taken by the employer

a common form of solving complaints of sexual harassment is to remove the woman

the male harasser is invariably more powerful within the organisation than the woman

the women's reactions were of anger, embarrassment and feelings of powerlessness

some women felt frightened, "dirty" and even guilty

harassment resulted in reduced job satisfaction, loss of confidence and motivation and decreased efficiency

complainants' health was affected

30 per cent of the women surveyed resigned from their jobs.

The report goes on to say this about the women who complained of sexual harassment—

Most of the women who complain of sexual harassment are, perhaps not surprisingly, somewhat timid in what they ask for by way of resolution. Many merely want the employers told that their behaviour is in breach of the Act. They hope that, by complaining, they can prevent other women from being subjected to the same sort of treatment. Other complainants wish merely to receive a reference, which is often denied. A very small number of complainants seek compensation either in the form of financial damages or in disciplinary action against the alleged harasser.

That sums up why the women at the worksite are usually those least able to confront an employer and complain of harassment.

I refer now to the point raised by the member for East Melville who asked why no protection was

included for employers. The reason is to be found in the definition of sexual harassment in the Bill. It does not mean that sexual harassment alone is a sufficient ground for complaint. It must be linked with a detriment in employment. If an employee harasses an employer, the employer is not going to lose his job. There is no way that a person who is less powerful than another can cause that person's employment to be put in jeopardy. The power relationship must be linked to the sexual harassment.

The word "harassment" to some extent in common usage means something which continues. It is not usually an isolated event. That is why it is not appropriate to include the point raised by the member, because there is an economic link, and the only way to include employers would be to take out that link. In doing so we would then cover all forms of sexual harassment. We deliberately put in the link. If a person's job is in jeopardy, or the chances of promotion, transfer, or access to in-service training are affected by the harassment, that person will be able to bring a complaint.

Mr TRETHOWAN: I accept essentially what the member has said. The point I am making relates to subclause (3)(b) which refers to persons being disadvantaged in their employment or work or possible employment or work. It seems to me if there is a financial or other cost associated with the dismissal that may result from action taken over sexual harassment it would meet the requirements of that subclause. I said earlier that an employer is in a more powerful position than an employee because he has the power of dismissal. But the rights of an employer to dismiss an employee are being restricted in a number of areas. If we are dealing with sexual harassment in the workplace relating to employment I would have thought this was the most appropriate place to establish the grounds for dismissal on the basis of sexual harassment. That would approach very closely the objectives particularly in (3)(b).

Mrs HENDERSON: The power of dismissal is not the only solution that an employer has. In my view the creation of an extremely unpleasant working environment is a detriment. If a person has to avoid being in close contact with a person in a room and has to adjust his working hours or habits to accommodate another person, it can be very difficult; it is something an employee should not have to do. The employee may be given a clear indication that he or she will not progress in the company or organisation or Government department if the unwelcome advances are rejected.

Use of the power of dismissal would be the ultimate use. That is the worst example. I do not

think anyone would argue that a person in that situation is entitled to compensation.

The point has been made that perhaps the person would not want to be reinstated in that situation. I hope that the educative value of this Bill, which we have talked about at length, will, with the inclusion of this clause in the Bill, eliminate some of that behaviour and that it will serve as a deterrent. If it does that we will be very pleased. If we do not get many complaints as a result of this Bill having that effect, I will be delighted.

**Clause put and passed.**

**Clauses 25 and 26 put and passed.**

**Clause 27: Exception—genuine occupational qualification—**

Mr LAURANCE: I refer to some of the exceptions or genuine occupational qualifications. In subclause (2)(a) we see reference to an exception if the duties to be performed can be performed only by a person having particular physical attributes. I guess that is a fair enough exception. I have tried to think of examples and the best example I could come up with is that of a topless barmaid. That person would have to have particular physical attributes in order to occupy that position. Therefore, a licensee would be able, under those circumstances, to advertise for a person with those particular physical attributes. However, the clause goes on to say that a person can require certain attributes as long as they do not include the attributes of strength and stamina. It seems to be a little discriminatory to say that a person who has the physical attributes to be a topless barmaid cannot be a strong topless barmaid or one with great stamina.

I agree that some flexibility should be allowed to enable an employer to choose a certain person for a certain position. However, this clause seems to negate itself by saying that one can require a person to have particular physical attributes but that person cannot have the attributes of strength or stamina.

Clause 35 relates to exceptions in sport. The attributes of strength and stamina are considered unlawful under this clause, but are allowed in other areas of the Bill. One could advertise for a very strong, husky discus thrower, for example, but one could not advertise for a strong boy to deliver newspapers. I am asking for clarification on this matter.

In the US where quotas have been allowed—the member for Gosnells and I have agreed that they are undesirable—they have caused many problems because quotas in that country relate to all positions, including policemen and firemen. In the US, advertisements for those positions were not



allowed to include reference to strength or stamina, yet those positions are such that strength and stamina are required for a person to perform the job properly.

This clause refers to strength and stamina. I point out that, already in this State, under this Government, there exists discrimination in relation to strength and stamina. I have a letter from a woman who was employed as a relief cleaner at Lynwood Senior School. She was told that she would not be employed any longer. She was replaced by a much younger woman. That seems to me to be discriminatory. When that matter was taken up on her behalf, a letter was written by the Minister for Education. He is not here, but I know he is not far away. He referred to sexual harassment a moment ago and said that he had been involved in sexual harassment as the Minister for Education. He wrote a reply to approaches made to him on behalf of that woman. He said that it is the opinion of the departmental medical consultant that school cleaning is a comparatively heavy manual type of work. Clearly, this woman has been discriminated against on the grounds of strength or stamina. A younger woman has now been employed. That situation has occurred under this Government which has introduced this legislation.

Mr MacKinnon: It seems to me that, because she was 53, she was no longer needed.

Mr LAURANCE: That is right, and a 35-year-old woman was employed. The woman who was no longer required found that out because she happened to be friendly with the woman who replaced her. The Minister did not say that she was too old for the job. He said that the job required someone who could do heavy, manual type of work. I think the Government should get its own house in order. She had received no previous complaints about her work. The Minister for Education should take note of my comments and now question why he wrote that letter in that way.

Mr Pearce: In what way did I write?

Mr LAURANCE: The Minister wrote to a member on this side of the House and said that this woman would be employed no longer by the Lynwood Senior High School because of the comparatively heavy type of work that she was required to do. He put her off. She has been replaced by a younger woman.

Mr Pearce: I am certainly prepared to look at the case again. My memory is that she had been put on worker's compensation and was doing only light duties.

Mr LAURANCE: I will take this matter up with the Minister again, because I think he is talking about another case.

Mr Pearce: I will look at the matter again. I cannot remember all of the cases that come to me.

Mr LAURANCE: I do not expect the Minister to remember them all. He wrote, in response to a complaint by a woman, and said that she was no longer suitable for that type of work.

Mr Pearce: I wrote to the Deputy Leader of the Opposition. I did not write directly to the woman.

Mr LAURANCE: That is right. The Deputy Leader of the Opposition took that matter up on her behalf. This matter is a serious one; it is one of discrimination.

The other point concerns a basic sort of discrimination; that is, it is inappropriate for a person to be exempted because of his physical attributes. However at the same time the Government is saying that in the case of sport the aspect of strength and stamina comes into it, and it seems to be inappropriate.

Mrs HENDERSON: This again really demonstrates that the member for Gascoyne has not read the Bill very carefully. The Bill does not say that a person cannot discriminate on the basis of strength and stamina. What it says is that one cannot discriminate on the basis of sex and marital status in relation to strength and stamina.

For example, if a job requires the lifting of heavy weights a person could be asked to clearly demonstrate that he or she can lift the weights. However, the job cannot be advertised in a manner in which women can be prevented from applying because it is assumed they cannot lift the weights. There are strong women and weak men and there are strong men and weak women. One can discriminate on the basis of strength and stamina but one cannot discriminate on the basis of sex and marital status in relation to strength and stamina.

Several members interjected.

Mrs HENDERSON: I said during the second reading debate that the Government is concerned about discrimination on the basis of age.

Mr MacKinnon: I hope you will monitor the Minister for Education.

Mrs HENDERSON: We will be interested to find out how many complaints are received about discrimination on the grounds of age and if they are numerous it may be necessary to amend this Bill at a later stage.

In relation to the question raised by the member for Gascoyne, a person can discriminate on that ground.

**Clause put and passed.**

**Clauses 28 to 39 put and passed.**

**Clause 40: Partnerships—**

Mr LAURANCE: I ask members to vote against this clause. I do not want to canvass the issue again because it was debated last night. The Opposition disagrees with the Government which is not prepared to accept what the Opposition said about partnerships. For the same reasons outlined in that debate the Opposition will seek to delete the clause.

Mrs HENDERSON: For the same reasons I put last night the Government supports this clause.

**Clause put and passed.**

**Clauses 41 to 49 put and passed.**

**Clause 50: Exception—genuine occupational qualification—**

Mr LAURANCE: Once again this clause deals with exemptions and there is an important point to be made. The Opposition has been consistent in supporting equal opportunity and the removal of any discrimination. The Opposition believes that the Government has been consistent also, and that is why we agree, by and large, to this Bill.

However, one area in which the Government has been inconsistent has already been mentioned, and that concerns the requirement for a person to have a union ticket for a job. The Opposition opposes that, but the Government supports it.

Clause 50 involves another inconsistency on the part of the Government. I would like the member for Gosnells to justify the reason for the inclusion of paragraph (d) in this clause and what is meant by providing persons of a particular race with services. Does the member mean in the form of positive discrimination in favour of persons and, if so, in what way? I ask the member to give examples and the reason that she believes this clause is appropriate.

Mrs HENDERSON: I would be pleased to give some examples. Paragraph (d) applies to groups of people who, for whatever reasons in the past, have suffered discrimination and who are at a stage where their general welfare or health needs should be brought up to a level which is consistent with the rest of the community. Prime examples are the Aboriginal Medical Service, the Aboriginal Legal Service and other welfare services provided to the Aboriginal people in order to afford them the opportunity to benefit from services which society offers and whose self-esteem and confidence have not enabled them to utilise those services which are available generally in the community. We hope it will be effective.

If this clause is not included in the Bill we would have one group of people at a certain level of development and another group at a different level of development and at the time of promulgation of the Bill we would regard those two groups equally, but until the two groups are brought up to the same level they cannot be treated equally.

Mr LAURANCE: That is what I thought the member for Gosnells meant. It is discriminatory because the member wants to treat two different groups of the community in different ways. However, the Opposition would want to treat those two groups equally because this Bill is about equal opportunity. Of course, the Opposition must question the reason that the Government wants an exclusion and wants to treat people in a different way.

The member mentioned the Aboriginal Medical Service. I do not disagree with it, but when one sees the practical application of some of these programmes one is left wondering. For instance, the medical programme which is available to Aborigines in country areas gives them free access to the Community Health Services. I know that the cost of that service is met largely from funds designated for Aboriginal people. However, I know of cases in my community where a vehicle has picked up an elderly or sick Aboriginal pensioner to take that person to hospital and on the way it has passed a white pensioner who is ill and endeavouring to get to hospital on foot. The sign on the side of the vehicle says, "Community Health Services". People complain to me that that is very discriminatory because funds provided to the Aboriginal service, or whatever, are really provided by the taxpayers of Australia.

There is a sign on the side of the vehicle indicating that it is for community health and yet the van picks up some children and certain pensioners and leaves others on the side of the road. That is discrimination, yet the Government is saying this is an equal opportunity Bill which removes discrimination. The member for Gosnells referred to positive discrimination and said that some groups in the community are not equal. Because of that we cannot treat them equally; we must treat them unequally. The member is asking us to accept the proposition that some people must be treated unequally in order to raise one group or lower another to bring about some levelling process. If the Government does that, it is discriminating. It may justify itself by saying it is positive discrimination; that is okay, but let it be recorded that the Government is legislating for discrimination in an anti-discrimination Bill. That seems a little hypocritical.

Mrs HENDERSON: The point made by the member for Gascoyne ignores the history of discrimination against some groups in society. If a group has been discriminated against in the past and we bring in a measure to eliminate discrimination in the future we cannot ignore the previous discrimination towards that group. If we do that, we will not be providing equal opportunity for such groups. I do not think the member for Gascoyne would argue with that; in fact, he would probably agree.

In some situations, in order to make things equal for the future, some redress must be applied and concern shown for what has happened in the past.

Mr Laurance: By doing that you are positively discriminating against other people.

Mrs HENDERSON: It is not necessary to take rights from one group in order to give them to another. There is not a sum total of rights which must be divided among members of the community so that a right given to one group must be taken from another group.

Mr Laurance: You should explain that to some people in the community.

Mrs HENDERSON: Referring to the example quoted by the member for Gascoyne, perhaps it would be more appropriate to provide a similar service for that group not receiving the service currently provided. Rather than decrying the fact that the van drove past white people, perhaps if a special need exists to provide a similar service to another group, it should be provided.

Mr Watt: He did not say the service should be taken away.

Mrs HENDERSON: The member for Gascoyne said it was discrimination. I think it would be most unusual for the driver of such a vehicle to drive away from any sick person hobbling along the street, as stated by the member for Gascoyne. I do not think the member for Gascoyne would argue with the programmes instituted to raise the health standard and welfare of groups in our community, particularly for Aborigines.

Mr TRETHOWAN: I have listened carefully to the debate on this clause. My concern rests not with any Government providing additional funds and services to help disadvantaged people within the community; that is the proper right, and universally accepted practice, of Governments of both political persuasions in this country. It is the practice they have undertaken. My concern with this clause and particularly with paragraph (d) is that it discriminates between disadvantaged groups on the basis of race; not because of the

disadvantage, but because of race. I am puzzled that the member for Gosnells should suggest discrimination on the basis of race among disadvantaged people and the setting up of services for one particular race. Having services set up on a racial basis sounds like the concept of separate development for different races in the community.

Mr Pearce: I thought the Liberal Party was in favour of that.

Mr TRETHOWAN: I am, and always have been, totally, philosophically and practically opposed to that proposition. In fact, the problem that the Minister for Education raises can be traced far more effectively to the logic of the statements by members of the Government in many areas, and it is the problem with this clause. It does not deal with the provision of a particular service to a disadvantaged group in the community, to which I have no objection; it deals with the provision of that service to be positively discriminatory on the basis of race. I find that objectionable.

Mrs HENDERSON: Where services are necessary for groups of people to meet their housing or health needs, those services are provided. The State Housing Commission has cut-off points to assist those most in need. Health benefit cards are available to low income earners to assist them to improve and maintain a satisfactory level of health. This clause is included because if it were not, every service provided to Aboriginal groups would automatically become illegal. I have not heard it said by either member of the Opposition who spoke that he thinks we should disband the Aboriginal health services. If we did not include this provision the facilities provided would no longer be legal because we would be outlawing discrimination on the basis of race.

**Clause put and passed.**

**Clause 51: Special needs—**

Mr LAURANCE: The argument in relation to clause 51 is similar to that relating to clause 50. Once again it is a case of positive discrimination. The clause refers to special needs.

We do not argue about special needs in respect of education, training, or welfare. However, I wonder about the ancillary benefits. The positive discrimination again can be justified on certain grounds as long as we acknowledge that it is a form of discrimination.

One would presume that the Government would justify its land rights legislation in terms of equal opportunity and non-discrimination by clause 51; in other words, it could give certain rights to land to various people because that is a form of positive

discrimination. It would be affording persons of a particular race access to services or facilities to meet their special needs. It should be clear that if the Government intends to discriminate in that way, the Opposition opposes it. We are consistent on that stand; we do not want to see particular benefits given to one section of the community, if land rights are considered to be an ancillary benefit. If they are not, the Government cannot justify giving land rights to any group under this legislation. If the Government intends to positively discriminate for land rights under the special needs clause, let us acknowledge it is a form of positive discrimination. Such discrimination could be acceptable in some forms, but it is hypocritical to put a discriminatory clause in a Bill about anti-discrimination. If the clause relates to land rights, we oppose it.

#### *Progress*

Progress reported and leave given to sit again, on motion by Mrs Henderson.

### **ABORIGINAL AFFAIRS: LAND RIGHTS**

#### *Special Conditions: Motion*

**MR HASSELL** (Cottesloe—Leader of the Opposition) [4.31 p.m.]: I move—

That in the opinion of this House the Government of the State has failed in its responsibility to the people of Western Australia in relation to Aboriginal land claims because,

- (a) it has refused consistently to debate or consider the fundamental issue of whether there should be available to Aboriginal people in this State legal rights to claim land and hold it on special conditions not available to other Western Australian people;
- (b) it has failed to reject outright any question of Federal intervention in Western Australia's affairs, and to uphold the right of the Parliament of this State to determine finally the issue for Western Australia; and
- (c) it has deliberately misrepresented the position of the Opposition and sought to confuse the issues.

The Premier today sought to pre-empt the Opposition's private member's motion by bringing in his ministerial statement and in consequence it was necessary and appropriate for me to make some remarks at that time about our position on this whole matter.

We now have before the House the specific motion, and that motion has been deliberately drafted

to highlight the matters which we believe should be considered. They are the refusal of the Government to debate in the public arena the issue of whether we should have Aboriginal land rights at all, as distinct from the question of what form of Aboriginal land rights we might have; the failure of the State Government to reject Federal intervention; and the policy of the Government in seeking to confuse the issues by repeatedly misrepresenting and putting up all sorts of red herrings in respect of the Opposition's position on the matter.

The whole question of land rights is a large and complex one and goes back a number of years. It goes back into legislation.

**Mr Pearce:** Even with big print you can't reduce this complex issue to a single chart of 25 words, as you tried to do earlier this afternoon. That shows the level of dishonesty of your presentation.

**Mr HASSELL:** I was trying to get across to the Premier, who has some difficulty in understanding these issues, the basic concepts, so that he would have some better capacity to understand and would have no excuse for continuing to misrepresent the Opposition's position.

Of course, the most important thing to be noted about land rights as a concept is that fundamentally it is based on the proposition that Aboriginal people by reason of their Aboriginality should have a right to claim land in one form or another. That land may be unoccupied Crown land, it might be public parks or reserves. It might be private land. It might be pastoral leases or any other land in the State.

It is a matter of record that the concept of land rights has been put into concrete form in legislation in the Northern Territory.

**Mr Pearce:** By a Liberal Government.

**Mr HASSELL:** Yes, by a Liberal Government. Let me say very clearly that I regard that legislation as one of the disasters in Australia's history. It is a disastrous error that was made in relation to the Northern Territory and one which will never be retrieved. Once having set off down that path to divide an area—because it is not a State; it is a Territory—on the basis that it was done, it is almost impossible in political and social terms to return. I make no apology for saying that I regard what happened in the Northern Territory as a disaster for Australia. It has created a divided community in the Northern Territory. It has created a situation in which there has been significant economic damage in the Northern Territory, but more particularly, a situation in which there has been significant social damage because people have been divided. The example of the Northern

Territory is the real essence and the epitome of the argument against land rights in Western Australia and why it is essential that we should, as a State and as a community, fight against land rights at every possible turn and opportunity.

If one looks at it one has to ask oneself what is the basis upon which one race of Australian people should be entitled to claim land which falls into one of the categories I have mentioned. One can take out some of those categories and say they are not going to have a right to claim freehold land or pastoral leases; that is beside the point. They do not have that right in the Northern Territory. In the Northern Territory they have a right to convert to the special titles applicable to Aboriginal land, pastoral leases and freehold land which have been purchased for them. One assumes that the same system would apply in this State on the basis that if a purchase is made resumption is involved.

In Victoria, we saw the Victorian Government actually resume private freehold land for an Aboriginal group and the poor, unfortunate landholder who, with his family, had been on the land for many years, was suddenly and summarily dispossessed.

Mr Pearce: Some Aborigines have been on the land for 30 000 years.

Mr HASSELL: That issue very quickly brought to a head in that State an understanding of the issues.

Something else that has been brought to a head in Australia in respect of an understanding of the issues is without question the absurd position which prevails at Ayers Rock. I am constantly meeting people who have visited the NT and have advised me about the signs beside the road threatening them that if they enter upon certain land they commit an offence because it is Aboriginal land. More particularly they advise me how disgusted they are to find the situation that pertains at Ayers Rock, where a national monument, which has stood for generations as a monument belonging to the people of Australia, has suddenly become Aboriginal land. It is subject to all kinds of restrictions and regulations which are put together by that particular Aboriginal group.

Let us go back to the fundamental question: Why is it that one group of Australian people should be entitled to claim land? Why is it that a farmer in Esperance who wants to extend his farm because it is too small and not economically viable cannot claim land in the Cascades area?

Mr Evans: Because we want to be certain it does not blow away, you twit.

Mr HASSELL: I understand the Minister's reasoning but why in the same breath is he con-

templating allowing Aborigines to claim that land?

Why is it that the Minister's Government is proposing that Aboriginal people should be able to claim that land? Perhaps the Minister for Agriculture will tell me that.

Mr Evans: Not necessarily that land. It would have to have other land use purposes which were appropriate.

Mr HASSELL: Not necessarily that land, but perhaps that land.

Mr Evans: But it would be compatible with the land use management programme. That is the difference.

Mr HASSELL: It would be compatible. It would be all right for Aborigines to have land at Cascades, but it might not be all right for farmers to have land at Cascades.

Mr Evans: It might be all right for a national park as well.

Mr HASSELL: Yes, it might be. It might be all sorts of things; but the Minister is avoiding the issue, just as his Government has sought to avoid the issue over and over again. What is the basis upon which one group of Australian people by reason of their race and the colour of their skin should be entitled to claim land that the Minister or I cannot claim?

Mr Pearce: Don't you think it is wrong to talk about Aborigines as if they were one racial component? The answer to your question is that they were here first.

Mr HASSELL: That is the basis on which the Minister supports land rights—that the Aboriginal race was here first. However, it is not true that all Aborigines or, indeed, any of the Aborigines now alive were here before Europeans. That is not true. It is simply based on the racial proposition that, because that race—by the way, Aborigines do not necessarily all belong to the same race—or those races were in Australia first, they should have a right to claim land that we do not have a right to claim in this country.

Mr Pearce: But your ancestors got land on the ground of race and on the ground that they were white.

Mr HASSELL: No, they did not. My ancestors got land on the basis that they bought it in all cases.

Mr Pearce: They did not buy all of it. They were given grants of land on the basis that they were white and the black people who were on that land before your ancestors got it were moved off.

Mr HASSELL: I do not intend to enter upon an argument which is obviously quite futile, because we do not have any way to ascertain what my ancestors might have done in the 1830s or 1840s in Western Australia. However, the Minister for Education's statements are factually wrong so far as the history of the matter is known to me. I am not the family historian and I do not know all the details, but my cousin who is the family historian and who has written the history of the family has told me, in the space of the last few weeks, that none of the land that the family had was ever given to the family. It was all purchased.

Of course, regardless of what they did in the 1830s or 1840s, the fact of the matter is that not one square inch of that land is in my possession now or ever has been; neither do I have any benefit from it directly or indirectly by means of inheritance of money or other property in any way.

It is the most silly argument I have ever heard; it does not trouble me at all; and it is not relevant. I shall return to what is relevant.

The relevant point is: Why is it that one race of people—not just the pure breeds of that race, because the proposal goes much further—or the descendants of one race of people or a group of races of people, because there was more than one race here, should, in our society, be able to claim land that nobody else can?

Mr Pearce: Because they were here first.

Mr HASSELL: It is a really pathetic argument.

Mr Pearce: Your ancestors got their land on the ground that they were the first white people here. If I tried to claim their land, they would resist pretty firmly.

Mr HASSELL: I say that, because if we apply that argument in its logical way, and that is the only basis Government members have suggested in the course of this debate upon which they can justify land rights, we are led to all sorts of ridiculous conclusions. For example, if we were to go to Great Britain and examine the situation there, where would we be led in considering the position of the people of that country who were alive and who were landholders in Britain prior to the Norman Conquests? How would we resolve that issue?

Mr Pearce: How would you resolve the issue of the Red Indians in America?

Mr HASSELL: How would the Minister?

Mr Pearce: Precisely in the way that has been done and which, in some ways, is a model for what is proposed in Western Australia.

Mr HASSELL: It is just so silly; it is the silliest thing we have ever heard to suggest that one group

of Australian people—one quite large group of Australian people—should have the right to claim land simply because members of their race, not them, were here first; were here before some Europeans were here.

Mr Pearce: And they are the most depressed sector of the Australian community.

Mr HASSELL: Let us take an example of what that means. Some members of my family came to Australia in 1838 and there are other Western Australian people who were granted citizenship at various citizenship ceremonies only a few days ago. They came to Australia only three, four, or five years ago.

Mr Pearce: And they can't get any land, because the Hassells got the early grab.

Mr HASSELL: Should they have a lesser right to acquire land than I have because my ancestors came here first? Is that the suggestion that the Minister for Education is making?

Mr Pearce: Let me tell you that they do have a lesser right, because your ancestors got land for free.

Mr HASSELL: Is the Minister suggesting that the Government's land rights legislation will provide that I have a better right to acquire land because my ancestors came here in 1838, than the families who came here five years ago and have just been naturalised? It is absurd to suggest that Australia can be governed on the basis of when people arrived in this country and on the basis of the colour of their skin. These are the very issues that the Minister and his colleagues and me and my colleagues have been arguing about for some years and saying should be eliminated from our laws and from our ways of doing things.

The Government has a different concept from the Opposition of how that should be done; but both sides agree that it should be done and have agreed fundamentally, at least since World War II, because since World War II policies have been pursued consistently by State and Federal Liberal-National Country Party Governments and Labor Governments seeking to eliminate discrimination and to create equality of law and equality of opportunity, and that equality of opportunity has required, in some cases, special assistance to be given to some people.

The only argument one can raise, apart from that raised by the Minister for Education, in favour of Aboriginal land "rights"—that word should always be placed in inverted commas because, as a matter of law, there are no such rights whatsoever—is the argument that they were a nation of people who were conquered; that Australia was not simply settled; that this was a

conquered nation and it must be done by way of recompense.

The difficulty with the Minister for Education's argument and the concept of conquest is that it leads to some ridiculous conclusions—it does that inevitably, logically, and in other ways—because if it be true that Aborigines are entitled to claim land because of their race and because their ancestors were here before our ancestors, it must be true also that they are entitled to claim all of the land, because, one way or another, there were Aborigines throughout Australia and there were no Europeans.

Mr Pearce: That is right.

Mr HASSELL: So if one follows it through, one must reach the conclusion that Aborigines are entitled to claim all of the land, yet even this Government is not proposing that. So what is the basis upon which it might be said that one group of Australians should claim land that others cannot claim? Of course, the National Aboriginal Conference has itself been honest in approaching this question, because, headed by Mr Robert Riley, who clearly has only a proportion of Aboriginal blood—that is a very interesting question that many people raise—it has defended a submission to the Seaman inquiry claiming that the Aboriginal people had sovereign rights to the land through their prior ownership and occupation.

The statement went on to say that these rights had never and would never be ceded by them. That is the logical and honest position, and I said so at the time. I still think it is true that if one accepts the proposition that one group of Australians can claim land simply because of their race, and simply because of the occupation of this country by their ancestors prior to its occupation by our ancestors, one must inevitably conclude that they are entitled to the whole nation. That cannot be denied.

Mr Pearce: No, we understand it is too late to put the clock back, but you can make some retribution.

Mr HASSELL: The Minister is very busy trying to put the clock back.

Mr Pearce: We are not at all.

Mr HASSELL: We oppose that. Look at what happened in the Northern Territory. It heralded a monumentally disastrous position. The clock was put back.

Mr Pearce: Why do you not address yourself to the Government's stated principles; the Northern Territory model has nothing to do with them? Address yourself to what the policy is likely to be.

Mr HASSELL: The Minister clearly simply does not understand what I explained to the House about 2.20 this afternoon.

Mr Pearce: Yes, you explained that the Liberals messed it up in the Northern Territory. We are putting up a better and more effective model in Western Australia.

Mr HASSELL: I explained in terms that even the Minister could understand the very simple principles involved in land rights.

Mr Pearce: We have changed it, haven't we? We have come out in the light of the Northern Territory's experience with a different model for Western Australia. What is wrong with that?

Mr Watt: The point is you are saying one thing and doing another.

Mr Pearce: Why doesn't he take the Western Australian model and stop harping about the Northern Territory model, which is a Liberal model?

Mr Davies: It does not suit him.

Mr Pearce: How come you cannot convince the Federal Liberals on that?

The SPEAKER: Order!

Mr HASSELL: We continued to talk about the Northern Territory model because the ALP State platform states that a Labor Government will introduce in legislation to apply to Western Australia—

Mr Pearce: You are not bound by the State Labor platform.

Mr HASSELL: —provisions similar to those of the Northern Territory Aboriginal land rights Bill initiated by the Federal Labor Party. It even claims the authorship of the legislation which, by his interjections in the last few minutes, the member has been so busy trying to associate with the Federal Liberals, because it is now not popular. He cannot run away from it. The ALP platform is not out of date.

Mr Pearce: You are not bound by our platform.

Mr HASSELL: That was only confirmed a couple of months ago by the Minister and his colleagues. Of course, I am not bound by the ALP platform, but the Minister is.

Mr Pearce: We are not in fact bound by it, because we are putting up to the Parliament and the people of this State—

Mr HASSELL: Is the Minister bound by his platform or not?

Mr Pearce: We are putting up a public—

Mr HASSELL: Has the Minister signed a pledge to his party to uphold its platform?

Mr Pearce: If the party wants to—

Mr HASSELL: Why does not the Minister answer the question? Is he or is he not bound by his platform?

Mr Peter Jones: The uranium debate proved they are.

Mr HASSELL: Why does not the Minister for Education tell us honestly?

Mr Gordon Hill: Can't you see the evidence, or can't you comprehend?

Mr Pearce: The proposition which the Government is putting up with regard to the statement of principles is not in accordance with the party platform.

Mr HASSELL: Are you bound by the platform?

Mr Pearce: Obviously, what we are saying to the Parliament and the people is different from the platform.

Mr Wilson: You would love it to be.

The SPEAKER: Order!

Mr HASSELL: Is the Minister bound by the platform?

The SPEAKER: Order! The Leader of the Opposition.

Mr HASSELL: We will not get an answer, because the Minister knows that he is bound by the Labor platform.

Mr Peter Jones: They told us they were bound by it before.

Mr HASSELL: He knows that the Labor Party, both Federal and State, is bound by a platform which was confirmed at conferences within the last two months, both of which require the introduction of land rights based on the Northern Territory model.

Mr Pearce: But we are not doing that, for heaven's sake, and you know it as well as I do.

Mr HASSELL: The Minister cannot tell us what the Labor Party is doing.

Mr Pearce: We produced a statement of principles, for heaven's sake.

Mr HASSELL: No-one else can tell us, and the reason that they cannot do so is that they are trying to keep it secret until after the election is held.

Mr Pearce: Half of Western Australia is on the drafting committee.

Mr HASSELL: We all know that. It is very clear from the gobbledegook issuing from the Prime Minister, the Premier, and the Minister with special responsibility for Aboriginal Affairs.

Mr Wilson: Would you look at the Opposition benches?

Mr HASSELL: We heard stories for days. Consider the telex from the Prime Minister which mysteriously and suddenly arrived in the Premier's office on the day that we were due to have a debate. What kind of a surprise is it that suddenly the Premier is able to stand up in the House and say, "I have just received this telex from the Prime Minister"? How many hours has he spent on the telephone desperately asking the Prime Minister to send him such a telex?

Mr Wilson: Your imagination again.

Mr HASSELL: How many hours has he spent working away desperately trying to get the man to show some semblance of reason—

Mr Wilson: Where are your members? They are not behind you.

Mr HASSELL: —on the part of the Labor Party to find the formula—

Mr Wilson: What a leader!

Mr HASSELL: —that will get the party past 17 November and 1 December without telling the people the truth about where members opposite stand and what they are going to do to this State and this country.

Several members interjected.

Mr HASSELL: Let there be no mistake; the Northern Territory model is not dead because the Labor Party, which had the opportunity to kill it at a national conference two months ago and at a State conference less than two months ago, did not kill the Northern Territory model.

The ALP kept it alive in its policy. Are members opposite going to tell me and are they going to try to kid the people of this State that they do not have any plans for national uniform land rights based on the Northern Territory model? Are they trying to say that the Australian Labor Party federally has abandoned any such concepts? Come on! Let the Minister tell us now.

Mr Davies: I could get you a job at the Playhouse. You are the best actor I have seen.

Mr HASSELL: The Government will keep it until later.

Mr Wilson: You would love us to do that.

Mr HASSELL: The Government will keep it until 2 December if it can. It will keep the truth from the people—

Mr Wilson: It is not working out for you, Bill.

Mr HASSELL: —if it can get away with it. I tell the Government again, it will not get away with it—



Mr Gordon Hill: Getting desperate, Bill?

Mr HASSELL: —because the people of this State are entitled to know precisely what is going on in relation to an issue which is capable of dividing the people of this State and of dividing the State generally.

Mr Davies: If you keep going like that, it will.

Mr HASSELL: The public are entitled to assume, in the absence of an alternative, that the Labor Party will continue with its policy of national uniform land rights which Mr Holding has repeated over and over again. What about Mr Holding's five principles laid down in Parliament last year? Have they suddenly gone out the window? They were not principles that Mr Holding stated in a Labor policy or in a speech, but rather principles that he set out deliberately and with conviction to lay down in the Federal Parliament, to put on record in the national Parliament his commitment. Those principles have not been reversed by anything said by the Prime Minister or Mr Holding.

This headline appeared in *The West Australian* of 29 September: "Holding won't rule out tough WA action". What has changed since then?

Mr Gordon Hill: Who is behind the times now?

Mr Pearce: The Premier went to Canberra.

Mr HASSELL: He went to Canberra and he said to the Prime Minister, "I am desperate. We have some elections coming up and the people of Western Australia will not put up with this—

Mr Wilson: I know who is desperate.

Mr HASSELL: —land rights legislation".

Mr Jamieson: Who's got the elections coming up?

Mr Gordon Hill: You are getting desperate.

Mr HASSELL: The article reads as follows—

The Minister for Aboriginal Affairs, Mr Holding, contended that the State's proposals were designed to meet the political reality of a hostile Legislative Council in WA and did not reflect any philosophical objection to a stronger form of land rights.

He also made it clear that there had been no change in the Commonwealth's approach, which includes the need for Aboriginal control over mining on their land, a provision specifically rejected by the State:

That was said by Mr Holding on 28 September and reported on 29 September. The Premier in desperation went dashing off to Canberra and sought from the Prime Minister a clear statement by him that national uniform land rights would not be applicable to Western Australia. He did not get

that, and he did not get it today in the telegram from the Prime Minister which so mysteriously and conveniently landed on his desk on the very day this issue was to be debated in Parliament. He got from the Prime Minister a joint statement which was and is ambiguous and was intended to be so. It was and is hedging and qualified. Here are the words of that statement—

The Federal Government in accepting its obligations at a national level for Aboriginal land rights recognises the interests of Western Australia in addressing its problems.

What kind of gobbledegook is that? What does it mean if the Federal Government accepts its obligations at a national level for Aboriginal land rights? What are its obligations at a national level? Can the Minister tell us, or can the Premier who was a party to this statement tell us what are the obligations?

Mr Wilson: Successive Commonwealth Governments have felt obligated to the Aboriginal people of Australia.

Mr HASSELL: That is not what it says, and the Minister knows it.

Mr Wilson: It is exactly what it says. It does not matter what you want to make of it.

Mr HASSELL: The statement does not say it is about an obligation to Aboriginal people; it says it is about an obligation to Aboriginal land rights.

Mr Wilson: You would like to think it means a lot of things.

Mr HASSELL: That is what it says insofar as one can get any meaning out of it at all. It is gobbledegook and it is intended to be that. It is ambiguous and is intended to be so. The Government does not want the public to know precisely what land rights legislation it will introduce. The Federal Government does not want the public to know because it and the State Government knows the people of Western Australia stand very firmly with the Liberal Party in this State in saying there should be equal rights for all Australians in relation to land. The Premier can come along here with a list of 11 organisations which will help him draft his legislation, or with a list of 50, it will not make the slightest difference.

Mr Wilson: You have been ringing them up, haven't you?

Mr HASSELL: Who?

Mr Wilson: All those organisations, telling them they should not be helping the Government.

Mr HASSELL: Good heavens! Why would the Minister think I would not be talking to organisations of various kinds? Why would he contemplate for a minute that organisations with which I

have been campaigning against land rights for 12 months would not be talking to me, and me to them? Of course I have been talking to a number of organisations, and I will continue to do so.

Mr Wilson: We know what you have been saying to them.

Mr Davies: Why are they leaving you?

Mr HASSELL: We will see about that.

Mr Pearce interjected.

Mr HASSELL: Let me take the House back to the official statement issued only five days ago by the Prime Minister of Australia and the Premier of Western Australia, in which apart from talking about the Federal Government's national level obligation for land rights, they also said together that the Commonwealth remains committed to its constitutional responsibilities in this area; but that in fulfilling those responsibilities the Federal Government will acknowledge the particular needs of Western Australia.

What does that mean? What does the Prime Minister's telex to the Premier today mean? In what way is our understanding of this issue advanced by what the Prime Minister said today? He stated—

I confirm that the position of the Federal Government which has been conveyed to representatives of the Aboriginal community will not involve any conflict with the position adopted for Western Australia of no right of veto.

What is the position of Western Australia in relation to that simple matter of a veto? The State Government has issued a statement of position which is itself ambiguous, and which nobody can really understand or get clear, and it leaves people grasping and gasping for information.

Mr Pearce: In your case, grasping at straws.

Mr HASSELL: The reason they are in that position is that it is not clear. Different versions exist—and I understand there were two on this question—and my version says in paragraph (m) "There will be no Aboriginal veto on mining or exploration". I understand another version was issued which said there will be no veto on mining or exploration. I ask the Minister whether that is correct. Were there two versions?

Mr Pearce: What difference does it make?

Mr Wilson: You are reading the version which was issued.

Mr HASSELL: I am certainly doing that. I am asking the Minister whether another version was issued.

Mr Wilson: So far as I can tell you are reading the version which was issued.

Mr HASSELL: I was told there was another version.

Mr Wilson: You have been told a lot of things.

Mr Pearce: What is the difference?

Mr HASSELL: When one is dealing with words as significant as those we are talking about—

Mr Pearce: Your speculations about what the drafting committee might produce are irrelevant.

Mr HASSELL: The Government must face the fact that having made a promise to the Aboriginal people before the last State election and appointed the Seaman inquiry and set its terms of reference, which excluded consideration of the issue, and having policies and platforms at Federal and State level committing the Government to Aboriginal land rights, it is entirely possible the community will believe the Government is committed to Aboriginal land rights. That is not an unreasonable assumption, is it?

Mr Pearce: The Government is committed to land rights on the basis of the statement of principles we have produced. We have been saying that for ages.

Mr HASSELL: The statement of principles produced by the Government is one document that suddenly emerged in a long line. It emerged as a two-page document on a day on which a report of several hundred pages was issued by Mr Seaman. The Government commissioned that report and set the terms of reference in accordance with its policies which required that Mr Seaman advise on the form of land rights to be adopted.

The Government must recognise that it is not entirely unreasonable that some people in the community, and perhaps especially myself, should be sceptical about the Government's final position when it is ducking and weaving and changing in the face of the policies it has produced.

Mr Pearce: We have produced a statement of principles which is our position.

Mr HASSELL: The point is this: A situation has arisen in which the sovereign right of this State to determine the disposition of its land is under serious challenge by the Commonwealth which is asserting that it has an overriding right to apply some obscure provision of the Constitution to take large portions of that land and give them to one race of Australian people.

Mr Wilson: The Commonwealth knows it cannot do that.

Mr HASSELL: That is interesting. I have never heard the Commonwealth acknowledge that it

cannot do that. Mr Holding has never acknowledged it.

Mr Wilson: They have acknowledged it.

Mr HASSELL: When and where?

Mr Wilson: In discussions. They know they cannot do that under the Constitution.

Mr HASSELL: In discussions! The Commonwealth knows that it cannot impose land rights.

Mr Wilson: It knows it cannot hand over chunks of Western Australia to anyone.

Mr HASSELL: That is a very interesting development. Why has not the Government told the public and the House about that?

Mr Wilson: Why have you not woken up to it yourself? You are supposed to be a lawyer of some standing in the community.

Mr HASSELL: I have always challenged the proposition that the Commonwealth has the constitutional power to enforce land rights in this State and I continue to challenge it; but why has not the State Government challenged it and told the people of this State that any move by the Commonwealth to impose Aboriginal land rights will result in a High Court challenge and a political challenge?

Why has not the State Government been prepared to stand up for the people of this State and for the Parliament of this State and assert the sovereign independence of this Parliament and this State? Why is the Government going along with a deal involving Commonwealth and State legislation when it may be that the Commonwealth does not have the constitutional power to grant involved?

Why is it that the Premier of this State is joining with the Prime Minister to issue a Press release on the matter of land rights when the Minister with special responsibility for Aboriginal Affairs is now asserting that the Commonwealth does not leave the constitutional power to grant land rights?

Mr Wilson: I am saying that the Commonwealth has not the constitutional power to grant land.

Mr HASSELL: If it cannot grant land it cannot give land rights. It could give rights of occupancy, but it would be an extraordinary situation and I challenge its power to do that.

Mr Wilson: You will not have to.

Mr HASSELL: The only hint of power is that part of the Constitution which says the Commonwealth may make special laws for the people of any race, but there is no mention of Aborigines or land. The fact of the matter is that the Common-

wealth's position—if one can rely on the High Court, which one cannot—would be very weak and the Government should say that loudly, long, and publicly. The Government has revealed the full extent of what it is up to. The reason it has not said these things publicly and clearly is because it is trying to achieve land rights in Western Australia in concert with the Commonwealth.

The Government is not prepared to have the issue determined by this Parliament or by the wishes of the people of this State. It is seeking to maintain the myth that the Commonwealth has some right or responsibility in the matter of land rights, yet at the same time the Minister with special responsibility for Aboriginal Affairs has now admitted that the Commonwealth has no right and no responsibility.

Mr Wilson: I am not saying that at all.

Mr HASSELL: The Minister has been revealed by his interjection to be involved in an even more despicable plan by the Government to undermine the rights of Western Australians than one would ever have imagined would be possible.

Why is the Government continuing to plot with the Commonwealth to grant land rights? If it is saying that the Commonwealth cannot grant land, why is it continuing to deal with the Commonwealth if it believes that the Commonwealth cannot grant land?

Mr Pearce: There is very little difference between our policy and the Commonwealth Liberal Party's policy.

Mr HASSELL: There is a vital difference; that is, the Liberal Party of Australia is committed to the issue being determined by the States. It has its own policy because it happens to have some constitutional responsibility for the Federal territories, including the ACT and the Northern Territory. Let me make the point that the Liberal Party, when in office in Canberra, did not seek to force land rights on States and did not seek to force States to grant land rights. If it were in office tomorrow it would not seek to interfere with land rights.

Several members interjected.

Mr HASSELL: The fact of the matter is that the Government is failing the interests of this State by its failure to keep the Commonwealth from interfering in this area.

Several members interjected.

#### *Leave to Continue Speech*

Mr HASSELL: I seek leave to continue my remarks at a later stage of the sitting.

Leave granted.

Debate thus adjourned.

### QUESTIONS

Questions were taken at this stage.

*Sitting suspended from 6.00 to 7.15 p.m.*

### ABORIGINAL AFFAIRS: LAND RIGHTS

#### *Special Conditions: Motion*

Debate resumed from an earlier stage of the sitting.

**MR HASSELL** (Cottesloe—Leader of the Opposition) [7.15 p.m.]: I want to continue my remarks in relation to the motion before the House by coming back, very briefly, to the critical and central point which is the one that the State Government refuses consistently to face up to. That point is whether we should have land rights and, in the absence of our agreement as a State to the granting of land rights as understood generally, what alternative is to be considered, if any.

The view of the Opposition is that there should be no such thing as a legal recognition of land rights. There should be an equality of rights to all Western Australian people in relation to claims for land and the tenure upon which that land can be held. That equality of rights is expressed in the law at present. There is, of course, no bar to any Aboriginal person purchasing land. There is no bar to any Aboriginal person holding land purchased in the normal way. The key to the dispute which occurred at Noonkanbah some years ago was on that very point. There was an attempt there by a group of activists using the local Aboriginal community to establish land rights on a *de facto* basis.

**Mr Pearce**: There was an effort by the previous Government in which you were a Minister to deprive that group of their pastoral lease because it was not a very secure title. If they disagreed with you the heavy boot came in.

**Mr HASSELL**: There was an attempt by a group of activists of whom one was the son of the present Prime Minister to establish *de facto* land rights at Noonkanbah. That was the key to the dispute.

**Mr Pearce**: You weren't even prepared to leave them with a pastoral lease.

**Mr HASSELL**: No-one disputed the occupancy of the pastoral leasehold by the Aboriginal people; in fact, that group's possession of the lease had been approved by the Liberal-National Country Party Government of the State. What occurred was that the political activists who were then in the vanguard of the hangers-on of the Aboriginal people sought to bring about a confederation so

that they could, if they were to achieve their objects, establish a *de facto* land rights position, based in that case on quite absurd claims in relation to sacred sites. That political objective was defeated by the determination of the Government of the time.

There is absolutely no doubt that had the then Government not taken the stance it did and had it not been prepared to defend the law and require that the same law apply to everyone, there would have been no exploration whatsoever and no mining in the Kimberley or the Pilbara from that day to this. It is likely that there would have been no discovery or development of the Argyle diamond project and it is likely that other important discoveries would not have been made.

The fact is that the Noonkanbah dispute highlights the absurdity of land rights claims.

**Mr Davies**: I think you had better forget that. We might repeat what we have found since getting into Government.

**Mr HASSELL**: The Minister can repeat anything he likes. The Government at the time was aware of what was going on. It had available to it the maps prepared by the museum showing the sacred sites. There was never any violation of sacred sites and there was never any intention to violate sacred sites. Once again we saw an extension of the sacred sites concept as a backup to the idea of Aboriginal land rights and that was the invention of the "area of influence". There was to be a covering of the whole area because one area of influence, in the words of a museum officer, stretched halfway to the next area of influence. The whole thing was intended to be a political exercise.

We now see in place in addition to those—

**Mr Evans**: There are not too many of your members in place.

**Mr HASSELL**: The Minister ought to count his own members present. We have more proportionately.

We now see in place in this State, of course, the Commonwealth heritage law. We know the value of the Commonwealth's assurances in these matters. The Premier has rushed off to Canberra every couple of weeks in his desperation to get the land rights issue off his back, and seeking assurances from the Commonwealth about its land rights legislation. We knew what that meant when it came to heritage legislation. The Minister with special responsibility for Aboriginal Affairs was able to say that the Federal heritage legislation was not necessary and, indeed, was not desirable.

That extremely dangerous legislation has not been criticised by any of the civil liberties groups which have a remarkable habit of coming out of the woodwork as soon as a Government tries to do something that even touches upon their sensitivities. None of those groups has seen fit, on this occasion, to question the extraordinary powers granted to the Commonwealth Minister in Canberra in relation to sacred sites. Those powers are quite unprecedented and are out of character with the civil rights of the Australian people.

Yet, we saw in an earlier debate in this House that the law was supported by the State Government although it made some unfavourable murmurings about it at the time it was enacted. I have no doubt that, in the fullness of time, we will see this same State Government making vague murmurings about Commonwealth uniform land rights legislation interfering in the running of the State of Western Australia. We will hear the same bland and meaningless assurances from the Federal Government. Gradually—slowly but surely—the objectives of the Labor Party, as they are so clearly spelt out in its policies both at a State and Federal level, will be achieved.

However, as objectionable as the Federal Government's heritage legislation is—for the benefit of the Minister for Education I should point out that it will be repealed under a Federal Liberal Government, and not replaced—the issue of land rights is more fundamental because it goes to the ownership of land. It goes to the terms upon which that land is held; it goes to the rights of individuals over land; it goes to the social cohesiveness of our society; and it goes to the very future of this country.

No-one who has made any study of Aboriginal affairs in recent years could imagine, for one moment, that the idea of a treaty has been forgotten. The Makaratta concept has been put away forever. We have heard nothing about Makaratta in recent times. The reasons for that are very simple. Specifically, it has been put aside to allow the Aboriginal activists to concentrate their efforts on achieving land rights because those people have these objectives for our nation: To divide our nation; to get vast tracts of land under their control; to influence the Aboriginal people; and, when they have achieved those objectives, to then come forward with their renewed claims for a treaty between the Aboriginal people and the Commonwealth Government. It would be very interesting to see vast areas of Australia being designated as Aboriginal land and to see different groups on that land seeking to enter into treaties with the Commonwealth Government. That is where we are

headed with land rights. That is as much of what land rights is about as anything else.

In fact, it is a part of a much larger objective and plan. It is not a plan drawn up by genuine Aboriginal people. It is a plan which the political advisers and political supporters have drawn up and it is a plan which first emerged at Noonkanbah and which first was seen there.

Mr Bridge: What do you say about the likes of Mr Viner and Senator Chaney? They are strong advocates of land rights.

Mr HASSELL: I made remarks about Northern Territory land rights when I started.

Mr Bridge: I am asking you about those two people.

Mr HASSELL: I will not make comments about those two people. I had discussions with Senator Chaney as late as today about land rights. There is no misunderstanding between us. Mr Viner is no longer a member of Federal Parliament so it is hardly fair to drag his name into this debate.

Let me get back to the point that I was making before I was deliberately diverted and point out that plans for land rights which have been developed over many years are not plans which are supported by genuine full-blooded Aboriginal people. It was interesting when I went to Derby for one of our land rights seminars to meet David Mowaljarli, the Aboriginal tribal leader who was used by the State Government in advertisements before the Government discovered that there had been a massive reaction against its plans. He attended that seminar and spoke as part of the panel.

He stood up before the assembled people in a quiet and dignified way and said he had prepared a statement for the meeting after two days of discussion involving all his people. The statement said, "We do not want anybody's land; we want the right to roam on the land as we have in the past; we want the right to spear the kangaroos; and, the right to take water from the waterholes". That was his objective which he stated clearly, simply and in a very dignified way.

Mr Wilson: I talked to him last week and I know what he wants. You have got it all wrong again.

Mr HASSELL: I also know about numerous Aborigines who attended other land rights seminars and clearly and publicly stated their opposition to Aboriginal land rights. They saw in them a danger to their own success and advancement. I remember two nursing aides who sat behind me in the audience at the seminar at Kalgoorlie. In dis-

cussion they told me they lived in Kalgoorlie in conventional housing as part of the community, they worked in the normal way and they were fearful of land rights. They were fearful that the proposals would result in pressure being applied to them to move out and return to their tribal ways. They did not want to do that, had no plans to do so, and felt their advancement had been threatened by the movement for land rights. They felt that the justification for the granting of vast tracts of land to Aboriginal people would inevitably result in a reaction from some people in some areas saying, "You have all that land, why not go and live on it and get out of the towns?"

That is exactly the approach and direction that successive Western Australian Governments, of all political persuasions, have been seeking to avoid at least since the second World War. Aboriginal people who are making advances do not want to go in that direction. It would undo what has been done in terms of bringing about racial tolerance, racial understanding and integration of communities in this State.

Of course, there are a number of things to be done in meeting the needs of many of the Aboriginal people in this State. Some people are living in simply deplorable circumstances and the Minister knows, as well as I, just how difficult it is to effectively deal with those problems. Some of the most apparently simple problems present almost insurmountable obstacles when trying to find a solution. One of the key issues to be confronted is housing; without that being dealt with on an effective basis it is difficult to see how many Aboriginal people can break out of the cycle of their circumstances because of the way in which they live.

Mr Wilson: You will find we will do a lot more about that this year—more than your Government ever did.

Mr HASSELL: I hope the Government will, and it will have our support in doing that. It is a critically important area.

When I was in Government I well remember undertaking consideration of the issue with the advice of departments to try to identify the backlog and how much money would be required to meet the backlog in one hit in an effort to break down that problem. I felt that if that problem could be tackled it would make so much more successfully confrontable the other problems of health, education, and employment.

While some Aboriginal people are living in simply ghastly conditions on reserves and on the outskirts of towns, it seems to me, and did when I was directly responsible as the Minister, that they would never be able to successfully get their chil-

dren to regularly attend school and able to meet the standards necessary to get the best from schooling. It seemed that they would not overcome the problems of hygiene which existed in those conditions, and that they would continue to have the most enormous difficulties in maintaining employment because the home background and the conditions in which they were living were such a barrier to any of those things being dealt with.

Mr Wilson: I hope that none of your members in rural areas will complain about the Government building houses in their towns for Aboriginal people.

Mr HASSELL: I do not think my members will do that.

Mr Wilson: Some of the members are very sensitive on that issue, I can assure you.

Mr HASSELL: Some of the members are very sensitive and not only from this side of the House, as the Minister knows. He is aware of his own difficulties in the past in his electorate and his involvement in some of those difficulties with various electors because of disruptions in the local community.

Mr Wilson: I do not turn away from those problems.

Mr HASSELL: No, but the Minister should not turn it into an attack on Opposition members who may be representing their electorates.

Mr Wilson: I had representations made to me.

Mr HASSELL: Yes, and the Minister made those representations on behalf of his electorate.

Mr Wilson: Yes, I did.

Mr HASSELL: Then the Minister should not start being a smart Alec about this matter.

Mr Wilson: I am not being a smart Alec, I am saying you have to live with that problem and face up to it.

Mr HASSELL: There will not be complaints from members on this side of the House about the construction of housing. There will, of course, be complaints from members representing their constituents if the Aboriginal people who move into those houses are not given the necessary guidance so that they can live at a standard which conforms to those people in the rest of the street and the community in which they live. The Minister knows that complaints are not simply based on race in this connection, except in very rare cases. Under those circumstances the complaints are dismissed by all Governments for what they are—complaints based on prejudice. Most complaints are made about behaviour and those complaints are understandable when they are based on people's misbehaviour and the fact of Aboriginal families

having dozens of people move in, owning dozens of dogs, and shooting guns. The Minister would not expect his members not to complain about that and he would not expect Opposition members not to complain.

I remember one of the battles I had with the community welfare department as its Minister when we were exercising restraints on Government expenditure. The department proposed to abolish the home-maker service on the misguided grounds, I discovered, that the home-makers were generally academically unqualified people and not in the professional category. The department saw a golden opportunity to get rid of these people. I very firmly took on the department and said that the last group to be removed from the service would be the home-makers, because they were the practical people on the ground who went into the community. They helped Aboriginal families who had moved into State Housing Commission premises to live according to standards which allowed them to become part of the community in a general way. The Government will need to expand and supplement that service in a careful way if it is going to engage in an extensive programme of home building for Aboriginal people.

Mr Wilson: You do not need to tell us those things. We understand all that.

Mr HASSELL: I am glad the Minister does.

The SPEAKER: Order! The Leader of the Opposition is getting away from the motion a little. Housing is not directly related to the motion.

Mr HASSELL: I will try to make the position clear. The motion is concerned with the subject of Aboriginal land rights. One of the most basic propositions in relation to that subject which the Opposition has put forward on a number of occasions is our belief that the granting of land in itself will solve none of the real problems. Those problems have not been solved and the evidence is available. It is very important to remember that Aboriginal people are entitled to be treated as individuals and not as a single group just as we are treated as individuals. It is a complete debasement of their dignity as people to do otherwise.

Mr D. L. Smith: As part of that we should be listening to their aspirations and land rights are part of those aspirations.

Mr HASSELL: That is an interesting proposition. The Government has spent more than \$1 million of taxpayers' money listening to Aborigines through the Seaman inquiry, and the day its report was released the Government released its own paper denying the recommendations. That is an interesting way to listen. It is an extraordinary proposition.

Mr D. L. Smith: That may be your interpretation, it is not mine.

Mr HASSELL: After going through that charade the Government is suddenly changing direction because of its political problems over land rights. The member for Mitchell and his colleagues are guilty of raising the expectations of Aboriginal people by its policies, by the terms of reference of the Seaman inquiry, by the whole travelling circus that the Seaman inquiry represented and by the attitudes expressed by them and their colleagues in Canberra. Having raised those expectations the Government now does not have the courage to carry them through in full because of the backlash against it from the community, which has never accepted the proposition for land rights. The Government has been up to every kind of shonky deal known to mankind in this matter and it knows that it has.

The real problems of Aboriginal people are related to health, housing, employment, education and hygiene, and the need in some cases to break the cycle of disadvantage in which they live. These problems should be tackled.

When the Opposition sought to initiate action in that area through a parliamentary committee in the Legislative Council the Government members opposed it. They did not want that committee set up. It is hypocrisy and humbug.

A Government member: They have agreed to be involved in the committee and you know the reasons why.

Mr HASSELL: Yes, they have agreed. The Government members opposed the establishment of the committee and the Government has sought to supplant the committee with a committee headed by the member for Kimberley. It is a party political move which typifies the attitude of this Government.

The Government is embarking on an expensive advertising campaign to try to prop up its faltering support in relation to land rights.

Advertisements have been placed at a cost of approximately \$9 000 with a pretty picture of the Minister trying to tell people how everything is all right.

Mr Clarko: Bob Pike would be worried about that; the Minister looks like a five-year-old choirboy in the advertisement.

Mr Wilson: The member for Karrinyup cannot help what he looks like, either.

Mr HASSELL: The advertising campaign is grossly and blatantly political, and grossly and blatantly improper. There is no doubt that Governments have conducted political advertising

in the past. In response to my letter seeking balance in the Minister's publication, he sent me a pamphlet issued by the O'Connor Government about the industrial law. That pamphlet was to advise the people of their rights under a law which had been adopted by the Parliament; and it was not issued during an election.

Mr Wilson: So what? It was still a very hot political issue.

Mr HASSELL: But it was about a law adopted by the Parliament. It was issued to inform people of their rights.

It is no accident that the Government has begun this advertising campaign during the course of the by-elections. It is no accident that the Minister has refused flatly to balance the telling of the story. The Government is not prepared to face the people on the basis of an even-handed and balanced presentation of two points of view on this subject.

Mr Gordon Hill: Have you read the pamphlet?

Mr HASSELL: The pamphlet has not yet been issued.

Several members interjected.

Mr HASSELL: What absolute nonsense the member is speaking. The pamphlet seeks input; and this goes to the very heart of the motion. The advertisements are seeking input on legislation for land rights to which the Government is committed. It does not seek input on the fundamental question of whether we should have land rights. That is the issue the Government has not been prepared to face up to. The Government would not even allow Mr Seaman to consider the question.

Mr D. L. Smith: What input did you make to the Seaman inquiry?

Mr HASSELL: The member should understand, as he is a lawyer, that Mr Seaman's terms of reference did not allow him to consider the question upon which we would have made a submission. Mr Seaman acknowledged that in a letter to *The West Australian*, and he acknowledged it in an article reported on the front page of *The Anglican Messenger*. The member knows that. Why does he keep repeating this question? This goes to the very heart of the motion.

Mr D. L. Smith: That is purely an exercise in semantics.

Mr HASSELL: I will let the member for Mitchell speak in a moment, when I have finished my point.

The Government has refused consistently to do anything but misrepresent the position of the Opposition. The member for Mitchell knows full well that Mr Seaman, under the terms of reference set

by the Minister, could not have considered our submission. Is the member for Mitchell suggesting seriously that we should have made a submission at considerable trouble and expense—which we would have done if we had made a submission; we would have done it thoroughly—outlining our reasons for suggesting there should be no law regarding land rights? Is the member so silly as to suggest that we should have done that?

Mr D. L. Smith: If your submission was just a repetition of what you are saying tonight, nobody would take any notice of it.

Several members interjected.

Mr HASSELL: What an extraordinary indictment of the member for Mitchell has just issued from his own lips. His only answer to the question I put to him fairly and squarely is to attack the argument that I have put. I asked him whether I could legitimately put that argument to Mr Seaman. He knows full well that whatever the quality of the argument—whether he is right or wrong is irrelevant for a moment—it could not have been considered by Mr Seaman.

The member for Mitchell knows that, yet he and other members of the Government persist in repeating that the Opposition would not make a submission to the Seaman inquiry. That is meant to convey some meaning about the Opposition's position. The only thing it conveys is a misrepresentation, because the member and every other member on the Government side must know by now because it has been said often enough, that the Opposition was not in a position to make a submission to the Seaman inquiry because Mr Seaman was not given a term of reference by this Government allowing him to consider the question which the Opposition is concerned to explore.

Mr D. L. Smith: You could have put up a submission suggesting the status quo should remain.

Mr HASSELL: At least the member is addressing the question; but I must say he is wrong, because if he reads Mr Seaman's words as reported in *The Anglican Messenger* he will see clearly that Mr Seaman could not consider a submission which suggested there should be no land rights. He said that such a submission would be a complete waste of time to make because it did not fall within his terms of reference.

Mr D. L. Smith: I think we can agree to disagree.

Several members interjected.

Mr HASSELL: The Government members must know by now that the people of this State, by an overwhelming majority, do not accept land rights.



Several members interjected.

Mr HASSELL: There would be one way of ascertaining that.

Mr Jamieson: Do you want an election on it next week?

Mr Clarko: The poll has already been done.

Several members interjected.

Mr HASSELL: I do not give undue weight to polls. I am just giving figures from polls.

Mr Wilson: In just about every speech you have made you have quoted that. Would you not call that undue weight?

Several members interjected.

The SPEAKER: Order! It is becoming obvious that the Leader of the Opposition is endeavouring to answer interjections. As you know, interjections are highly disorderly. The Leader of the Opposition may well finish his speech a lot earlier, if there are no interjections.

Mr HASSELL: That almost sounds like a request.

I will refer to the matter raised by the member for Welshpool. Of course, there is one way to determine the issue absolutely, and that would be to have a referendum. I notice that the Government has not proposed that.

Mr Wilson: I do not think the Liberal Government ever proposed a referendum. When did Sir Charles Court ever propose a referendum?

Several members interjected.

The SPEAKER: Order! I just called for order. I do not know whether members really appreciate the situation. Interjections are disorderly. A member is entitled to make his speech without interjections.

Mr HASSELL: In response to the member for Welshpool, I simply put on record that if the Government is concerned that other indications of public opinion are inadequate, if it wanted it could find out the answer clearly by putting the issue fairly and squarely to the people at a referendum. If it did that, as the Minister well knows, the legislation adopted by this Parliament on the instigation of this Government means that the Government would be required to allow both sides of the argument to put their points in the literature issued at the expense of the taxpayers. That is unlike the present situation where the Minister is printing advertisements at the cost of the taxpayer—\$9 000 so far has been spent by the Government to advertise one side of the argument. Heaven knows how much will be spent on the pamphlet. I guess that if we ask some questions about that, we might find out in about May next

year, because that is the time-frame at the moment for receiving answers to questions that might embarrass the Government.

Leaving aside the very simple question of how the Government could ascertain what the people wanted—I know the Government does not want to do that because it has a pretty good idea, and it is worried about it—I have an interesting study to refer to because it was an Australia-wide study made last year before the controversy had reached its present proportions and before the issue had moved so much into the minds of the people generally. I received this information recently from the Federal Secretariat of the Liberal Party of Australia; the information is dated 5 September. The survey was conducted by the Roy Morgan Research Centre Pty. Ltd., and the steering committee was chaired by Dr Don Edgar, the Chairman of the Institute of Family Studies. The survey reported as follows—

The Australian Values Study Survey, of which we are a member, included a number of questions on aboriginal affairs. These have now been pulled together and released (copy attached).

I have additional breakdowns by age, sex, occupation, etc, if you require them.

In summary the findings are:

a majority (except in Victoria) believe Aborigines "get a fair go" . . .

Mr Wilson: You do not agree with that?

Mr HASSELL: As I have said, a lot needs to be done. The report continues—

an overwhelming majority (91 per cent) believe they should be treated "the same as other Australians"

only a small proportion (except in WA) would object to having Aborigines as neighbours

the great majority (78 per cent) believe they should have "the same land rights as other Australians".

but, quite a substantial proportion (38 per cent) believe that "Aborigines should own the minerals found on their reserves" even when the question explains that this is not the case for other landholders.

Mr Jamieson: That is confusing in itself.

Mr HASSELL: I will just give the other side of the coin. The survey revealed that 38 per cent of the people agreed, but 55 per cent disagreed. Although a substantial proportion of the people agreed, there were still 55 per cent who disagreed with the proposition. The report continues—

The survey was conducted late last year (though only recently published) and opinion may have moved on some of these questions. The sample size is not large and caution should be exercised in using breakdowns especially for smaller States.

While no survey is conclusive, that is an interesting survey because it shows on an Australia-wide basis that very clear figure of 78 per cent of Australians who believe that Aborigines should have the same land rights as other Australians. That is inescapably the key question in this debate.

As I tried to explain to Government members this afternoon, using the larger piece of cardboard on which I had written, the two key issues are still there to be determined, and they ought to be determined by this Parliament in this State. They should not be confused with the constitutional argument with the Commonwealth; they should not be confused with the argument about what sort of land rights we should have; they should not be confused with arguments about the drafting of legislation.

The fundamental issue is still there: Should Western Australia have land rights legislation at all? The very clear and unequivocal answer which I give and to which the Opposition adheres is that there should be no land rights legislation in this State. We believe that the real problems of Aboriginal people should be dealt with as best they can in the processes that need to be followed to try to come to grips with those problems.

There will be no magic solution, no immediate answers, no easy answers and no quick results. The problems that have emerged over a long period will take a long time to solve. Everyone in this House knows that; everyone in this House knows that it is a difficult and complex problem even to make a beginning. Everyone has come to know, bit by bit, that the massive expenditures on Aboriginal affairs instituted by the Commonwealth since it assumed the greater responsibility—I do not concede an exclusive responsibility—after the 1967 referendum have not of themselves produced the solutions we had hoped for.

It is indeed timely that we should be instituting a proper study on a bipartisan basis to try to find out what better expenditures can be made, what better use can be made of the money that has been lavished—because it has been—by the Commonwealth and State Governments. That money, despite its proportion, is precious and its expenditure ought to be examined to see whether better value can be obtained for it; to see whether better results

can be obtained for the people it is intended to benefit.

Had that been the view of the Government it would have joined wholeheartedly with the proposal of the Opposition in the upper House for a committee to examine those very issues. The Government instead pursued short-term political objectives and simply opposed the Opposition's suggestion for a committee and only later reluctantly joined the committee. Now it has established an outside, non-parliamentary committee headed by a Government member from this House.

Mr Gordon Hill: A committee of experts, and no better person could have been found to head it.

Mr HASSELL: The Opposition is not interested in the tactical manoeuvrings of political play in this matter. The Opposition has been consistent throughout in opposing the granting of land rights in Western Australia. It is opposed to the establishment of a legislative framework for the granting of land rights and it will continue on that path; it will not be deflected from it by any smart manoeuvrings by the Government.

Mr D. L. Smith interjected.

Mr HASSELL: The member for Mitchell interrupts me again, this time to say that it is an issue we have going for us.

Mr D. L. Smith: An issue you believe you have going for you.

Mr HASSELL: That is not what the member said.

Mr D. L. Smith: It is what I meant to say.

Mr HASSELL: What the member for Mitchell is really saying is that we are representing the view of the larger community—and we are; we represent the overwhelming majority of Western Australians and we will continue to represent them forcefully and strongly, not simply because the community is of that opinion, but because we believe in that opinion very strongly, because we believe that this State of ours should not be divided in the way the Government proposes.

We believe that the future of the State depends on the harmony of all its people; it does not depend on the division of the State on racial grounds. We believe that the Government's proposals for land rights, whether in the Seaman form, the Northern Territory form, the Government's latest version, the Prime Minister's prevarication or whatever form, will divide this State; it will divide the people of this State, one against the other. We believe the Government's proposals will cause not only the problems which have become so manifestly evident in the Northern Territory, but ad-

ditional and even greater problems, because the Northern Territory, with its small population, can to some extent accommodate the tensions that have been generated there. Within this State we will see a flare up of racial prejudice and racial hatred.

Mr Wilson: Do your best.

Mr HASSELL: These racial problems will arise from the enactment of legislation as planned by this Government.

Mr Wilson: You are a major abettor of that.

Mr HASSELL: The member for Mitchell and the Minister have been unable to contain themselves any longer and have resorted to the tactic which has been used by the Federal Minister, by the Premier and by Labor people from all over Australia. As soon as people get into the land rights debate and the Labor people cannot argue the issues, they attack those people who oppose land rights as being anti-Aboriginal or racist. What a despicable approach to an argument; what a deplorable lack of capacity to meet the issues that those statements represent.

I have been through this issue for a long time, not only as a member of Parliament and not only in the last 19 months, but also before I became a member of Parliament. I have heard these things said over and over again. I say to the member for Mitchell and the Minister that no amount of abuse or name calling by them will stop me from saying what I believe to be true, which is that land rights is racist and wrong for that reason and ought to be opposed by every person interested in the future welfare of this State, the future welfare of the economy of this State, and more particularly the future welfare of the people of this State, people who want to live as a harmonious community.

The member for Kimberley, who has been involved in one or two of our land rights seminars, will know that on occasions I have been in effect invited by some people taking part in those seminars to take up some kind of anti-Aboriginal stance in support of my arguments. He will know that not only have I refused to do so, but that on each occasion and in the face of audiences who have been very strong in their views about these matters, I have laid down very clearly and firmly my view, which is that under no circumstances should we allow the land rights debate to degenerate into an anti-Aboriginal debate and that under no circumstances should we use the debate against Aboriginal people.

The cause of Aboriginal land rights and the conflict in the community about Aboriginal land rights—and they barely touch most Aborigi-

nes—is not Aboriginal people, but white people. It is Governments like this; it is people who persist in putting forward these ideas because they see some political advantage in it. The way this Government and its members have used Aboriginal people over the years has been nothing less than shameful. I saw it in the Kimberley in 1977 during the election contested by Mr Bridge and Mr Ridge. I saw the evidence; I investigated the evidence of the people carted off in truckloads and shepherded into polling booths to get the advantage of their vote. That is what went on, and that is the origin of the Government's policy on land rights. It was the perception of Government members that from all this there was political gain to be made and there were seats to be won.

I make it clear again for the Minister and for the member for Mitchell that they can call me any name they like, but I will not retract one iota from my opposition to land rights as they propose it. I know it does not move them, I know they do not understand the concept, but fundamentally I believe that they are simply wrong. It is not a matter of politics or the tactics of today or of teleaxes from the Prime Minister or of dramatic statements or misrepresentations of our position, but a belief that it is wrong as distinct from right. That is the belief I have and that is the basis upon which we are proceeding, because we believe that what the Government is doing is wrong for the future of our State. That is why I have moved this motion and that is why we will continue to oppose the Government's plans with all the vigour available to us.

MR PETER JONES (Narrogin) [8.13 p.m.]: I formally second the motion and in doing so make the clear statement that the Government is engaged in a deceitful and misleading practice on the issue of Aboriginal land rights. This is not only my opinion; but it is also an opinion which flows from the fact that the very policies of the Government in this State and in Canberra have raised the expectations of Aborigines and those who speak for them throughout the country.

Mr Troy: If it is not your opinion, then who do you represent in this House?

MR PETER JONES: I am quoting the comments of people such as Robert Riley.

Mr Wilson: Is he a friend of yours?

MR PETER JONES: I have met him.

Mr Wilson: That is not the question I asked.

MR PETER JONES: No, he is not a friend in the normal sense of the word, but I have met him. He is a very articulate and competent person and he recently gave a very good interview, so good in fact that I made a point of obtaining a transcript of it after the release of the Seaman report and the

Government's so-called principles that went with it.

Mr Wilson: Your leader made some comment about whether or not he was a real Aboriginal.

Mr PETER JONES: I cannot comment on that; I do not know whether he said that. But Robert Riley happens to be the Chairman of the National Aboriginal Conference.

He made the point that expectations had been raised, because there was a clear commitment by the Australian Labor Party, at both Federal and State levels, for uniform land rights legislation.

A lot of this argument has centred around what is meant by "land rights". What are we talking about with "rights"? The Government is now proposing to introduce legislation for land rights, but is not including certain matters which were included originally. Five principles were enunciated by the Federal Minister for Aboriginal Affairs.

In that context, some weeks ago I saw Mr Riley featured on an ABC programme on a Friday evening with Mr Holding. Quite frankly, he did Mr Holding like a dinner by making the point that the Federal Government had made a clear and unequivocal undertaking—which was confirmed unanimously at the recent Federal conference of the Labor Party, and supported by delegates from this State, led by the Premier—to confirm the commitment of the Australian Labor Party to uniform land rights legislation throughout this nation.

It is no wonder that people such as Mr Riley have felt betrayed and have not hesitated to say so. Mr Holding publishes his opinions and statements through various papers and forms. In a publication from the Department of Aboriginal Affairs he was reported as follows—

Our predecessors shirked their constitutional responsibilities by deferring too readily to States which were not prepared to secure land rights for Aborigines or protect Aboriginal heritage.

He made it quite clear that the Federal Government would be introducing legislation to provide protection for sites, objects, human remains, and various other things. Some of that has been done already.

A commitment was clearly there, and it remains, because as has already been indicated, the statement made by Mr Holding, subsequent upon the release of the Seaman report was, that they would not in any way retreat from the commitment to the Federal policy of the Labor Party in respect of uniform land rights.

I do not think there could be any doubt that Mr Seaman—much of whose report I would accept as being an authoritative background on the aspirations and conditions of the Aborigines in West Australia—must have felt aggrieved that at least one cardinal promise made repeatedly by the Premier—for example, by way of letter to the Country Women's Association—was not honoured. That letter was tabled in this Parliament two or three weeks ago. The Premier said that all the items referred to by that association would be dealt with following the receipt of the Seaman report, and the discussion period which would follow, for the Government to give consideration to the report.

That has been the substance of what the Government has been saying, and it is acceptable. The fact is that until the Seaman report was received, the Government could not make its decision. That is the Government's entitlement and responsibility. It had to decide on what was the best recipe for Aboriginal land rights in Western Australia, not necessarily consistent with the terms of reference of the report, whose terms of reference do not necessarily apply to the legislation the Government might bring in.

Over the last few months a considerable number of questions have been asked about this matter, and the attitude of the Minister with special responsibility for Aboriginal Affairs has been quite clear: He is one who favours the granting of some form of entitlement for Aborigines, not only in the form of access to land, but also regarding their powers in respect of that land. He has always been careful when answering those questions, because the final decision could not be made until receipt of the report. However, he slipped into his Federal colleague, Graham Campbell, the member for Kalgoorlie, who publicly opposed the granting of land rights which included any form of veto over exploration and mining.

All the Minister could say to that was, "What Mr Campbell says is a matter for Mr Campbell to answer".

Mr Wilson: What is wrong with that?

Mr PETER JONES: In substance there is nothing wrong with that, but of course the implication was that it was for Mr Campbell to answer when speaking on policies which are not those of the Labor Party. The Minister meant that as far as the Government was concerned, its policy was about Aboriginal land rights, containing certain vetos because that was Federal policy. That has been reaffirmed with the unanimous support of delegates from this State.

Mr Wilson: That is your inference.

Mr PETER JONES: We had a situation where on 17 April this year, in answer to a question from me, all the Minister could do was criticise any attitude and opinion that was not his. He suggested quite pompously that I should talk to my bishops. Indeed, he asked whether I was aware of the attitude of the bishops of my church. He said—

I am also surprised that . . . and as a leader of his church, he should not be more obedient to his bishops, when one considers the attitudes expressed by the churches in Western Australia on the issue of Aboriginal land rights

What sort of defence is it to suggest to any member or person who has a different opinion from that held by the Minister that he listen to his bishops?

I am prepared to do that. I am aware of what they say on this matter, and I disagree with the attitudes of various churchmen I know, and with whom I have some association. I disagree with them very much on this issue.

The late archbishop, of Perth, at his last Anglican synod, very capably made the point that his personal fear was that there were excesses of privilege and indeed a danger of excesses of privilege in what was being advanced by way of Aboriginal land rights. He did not take that away from the fact that he was committed to the care of the deprived and disadvantaged in the community, regardless of their race or colour and the principle that they should receive a considerable amount of the church's care.

He led this community in that regard and made a tremendous contribution to it, but even he, in the later part of his life, and at the end of his association with the archbishopric in Perth, reach the stage where he feared "excesses of privilege".

Mr Wilson: Did you talk to him personally about those things? I think I have a better understanding than you do.

Mr PETER JONES: I did and I appreciate that. I am not criticising the Minister's comments. The Minister asked me to listen to my bishops. They were his words. The Minister introduced the argument.

Mr Mensaros: When Ron Thompson listened to the Catholic bishop he was expelled from the Labor Party.

Mr Wilson: In this case the Catholic archbishop has very strong views on this question.

Several members interjected.

Mr Clarko: Friends of the homos is another area where you are in the 20 per cent bracket.

Mr PETER JONES: Comments have been made in this debate about the movement by the Federal and State Governments anyway, from the original commitment to Aboriginal land rights. It has been suggested that that movement away from the commitment was done quickly and incisively, especially in regard to land rights which contained a power of veto over access for exploration or mining purposes. That has been done for political purposes, but the Government has denied that tonight.

Mr Holding does not deny that; he makes it quite clear. Indeed, the Premier does not deny it. Mr Holding said on a radio programme on 28 September 1984, after the Seaman report was published—

But each State, having regard to the political contingencies that operate there has chosen different courses for themselves . . .

He was then asked whether the Federal Government was committed to Aboriginal control in relation to Aboriginal land. His response was—

The Federal Government has always had that position . . .

He understood what it was all about, in the same way the Premier understands. He moved away for political purposes, quickly and cleanly, to a point where the expectations of a considerable number of leaders within the Aboriginal community were destroyed. I quoted Mr Riley in that regard. His criticism was directed towards the Premier, the Labor Party, the Federal Minister, and the Prime Minister on the grounds that there was a clear commitment and that it was part of the Labor Party's platform. They moved away from that "having regard to the political contingencies", as Mr Holding said.

Within the Labor Party in this State a situation was adopted where some principles were released, at the same time as the Seaman report, which meant very little. They were couched in terms which made certain promises and which gave some undertakings. They used words which referred to access to land and the "legitimate and genuine aspirations of Aboriginal people to land". They referred also to the "social well-being of the broader community". This is a polite and nice way of saying, "We have to withdraw from our original commitment, because the social well-being of the broader community is paramount, and in that context there will be no Aboriginal land rights in the terms of our platform because that will not be popular. Therefore we have to withdraw from that".

Having done that the Government has to find somewhere else to go. It is going down the track,

and in going down the track will have to take cognisance of several other factors and principles. There is not one word of criticism I can make about that because it is like motherhood. It is like saying, "I support road safety"; it is meaningless. It is simply a restatement of what is happening now in terms of the commitment.

There are some changes in the commitment. However, the end objective is nothing more and nothing less than what ought to be the objective of all Governments in regard to the needs and aspirations of any racially or socially disadvantaged or deprived group within our community. So, it is meaningless except for the section which says that Aboriginal aspirations for land should be viewed in the context of an overall land management planning procedure. It will be interesting to see what that really means. Does it mean tenure? Does it mean anything different from what is happening now? Does it allow someone, again regardless of his position within the community, to engage in subdivisions and to buy pastoral stations or a house? Does it really mean anything other than that or is it just paving the way for the continuation of the status quo? These are nice words to enable the Government to explain this situation away when it does something else for political reasons.

It is quite clear, from what has been said and from what has been published, that the Federal Government, notwithstanding the prancing of the Prime Minister, has not backed away from its commitment at all. Everybody knows that the Premier went to Canberra. He tried to do a deal. He came back. He then had to trot back to Canberra on the same day that he was supposed to open the biggest capital work that had been put into Albany for some years. He offended the people of Albany and went to Canberra instead. He still did not get the unequivocal commitment that he desired. The reason that he did not get that commitment is clearly known; he did not get it because the Prime Minister does not have the numbers. He does not have the numbers to say unequivocally that the policy of the Labor Party, regardless of elections and regardless of anything else that might happen in time, will change and there will be no Aboriginal land rights that contain any form of veto over access to land for exploration and mining purposes.

The Prime Minister could not deliver that. Nowhere has he said that; he has not got the numbers. He has said to the one-third who are the swingers in the party that there will be no rocking of the boat until after the election. Mr Hawke has the support of one-third of the members of the Labor Party and Mr Holding has the support of

another one-third. Therefore, no public commitment has been made at all. What will happen in Western Australia will not involve anything that will be in conflict with the Commonwealth situation. It will only go so far. Of course, there will be no conflict in the legislation that is proposed. That is clear.

The most difficult and most sinister area that has not been referred to by the Premier or by the Prime Minister, but which has been referred to by Mr Holding in the last 14 days, is the power which the Commonwealth has already. It is a power which the Minister in this Parliament said he was not happy about. It relates to the interim heritage legislation which the Commonwealth has already passed, and which has been branded "land rights by stealth". It is a deceitful piece of legislation and I know that this Government was not happy about it. The Government indicated that it was happy with that legislation to the point that it sought and was able to obtain some undertakings from the Commonwealth regarding the application of any interim heritage legislation to be applied in Western Australia. No sooner had the legislation been proclaimed than there occurred the mess relating to the Harding River Dam in the Pilbara. That issue had to be pushed, very quickly, under the carpet before it became a great embarrassment to the Government.

Irrespective of how that matter was handled and swept aside, the point is that the Commonwealth has the power to implement a form of Aboriginal land rights in Western Australia. Here I am referring to the right of a community, a group of Aborigines, or an individual to impose what is, effectively, a veto over access to land for whatever purpose by using the legislation passed by the Commonwealth. That has not been denied by this Government because, on 8 May, the Minister made a quite clear statement at some length in which he expressed the Government's extreme concern at the original draft of the legislation. He still expressed some concern after a number of basic requirements listed in his speech had not been met. He finished by saying that the Government believed that the legislation was unnecessary.

Therefore, the situation is not clear in any way whatsoever. The Commonwealth is still able to impose its will upon the people of this State by vetoing access to land for any purpose. The Commonwealth Minister has the power to proclaim an area of land, not just a site; he can do that as well. However, the effects of that legislation go far beyond what would normally be a reasonable situation.

We now have a situation where the Government is embarking upon the drafting of its legislation. I know that some suggestions have been made that bodies such as the Australian Petroleum Exploration Association Limited and the Australian Mining Industry Council support Aboriginal land rights provided the entitlements or the legislation associated with any claims do not allow a right of veto. That really is drawing something of a long bow. The Australian Petroleum Exploration Association Limited wrote to the Premier on 2 October. That letter has been circulated. It made clear the association's position in relation to this matter and did not even refer to land rights as such.

It stated that the association's principles on land rights are—

APEA accepts that Aboriginals must have a say in their own affairs and should be able to protect their heritage. The Association supports the principle of government activity to enable Aboriginal communities to obtain title to appropriate land as a means of preserving their heritage and aspects of their traditional lifestyle. The Association believes that the first step towards resolving the problems now encountered must be to establish heritage legislation acceptable to the various governments, the resources industries and Aboriginal representatives through a system of identifying important cultural areas, registering them and making State governments responsible for establishing clear principles for exploring an area before a permit is offered for bidding. Exploration should then proceed under the terms of onshore petroleum legislation. Government should have the responsibility to set royalty rates for development and to distribute the revenue received to the community as it sees fit, thus removing the payment of money directly to Aboriginal communities as a source of contention between such communities and the resources industry.

The point made by that body is that it does not need a separate land rights Statute related to land rights, because it speaks of legislation relative to the cultural heritage of Aborigines. In other words, the type of Statute about which it is speaking already exists. It talks about the onshore petroleum legislation and it talks about tenure of land.

The Government would be aware that, in all of the three areas that have been mentioned, Statutes already exist which could be amended to effect the Government's attitude to and its aspirations for the Aboriginal people. Again I refer to its introducing

the type of legislation suggested by Mr Seaman. It should alter the Land Act in relation to tenure of land because, after all, there already exist secure Aboriginal reserves. The letter refers to the legislation relative to exploration activity. Nowhere does the letter refer to the need for new Statutes.

Mr Pearce: Why has that organisation not been a party to the drafting committee then?

Mr PETER JONES: If the member reads the letter that has been circulated he will see that that organisation has had discussions with the Government so he can find out.

The Government has not, in any statement that it has made, indicated why there needs to be new legislation. It has not mentioned the basic, fundamental aspirations of Aborigines. It has denied those aspirations.

Mr Bridge: No, it has not.

Mr PETER JONES: It has. The veto power has been denied.

Mr Bridge: That is not the basic, fundamental issue.

Mr PETER JONES: I will correct that. It has removed a very fundamental aspiration of the Aboriginal people; that is, the right of veto. The Government has denied that. The member has said that in this Parliament and I respect him for that. A fundamental plan has been denied by this Government. Yet, we will still have a Statute put in place which is unnecessary and which is not wanted. It will not serve any purpose that could not be served under existing legislation.

MR WILSON (Nollamara—Minister with special responsibility for Aboriginal Affairs) [8.42 p.m.]: The Leader of the Opposition hangs grimly onto this issue like a drowning man hangs onto life itself. We all understand why he needs to do that. Under other circumstances, we might even sympathise with him in his difficulty. What we have heard, particularly from the Leader of the Opposition tonight, is a further tedious repetition of the tired old carping that we have heard from the Leader of the Opposition on this issue over the last 12 months. At least the member for Narrogin was a bit more interesting to listen to, although he was equally wrong in what he said.

Mr Pearce: It is a question of volume rather than accuracy.

Mr WILSON: The tired nature of what the Leader of the Opposition had to say was reflected in the emptiness of the benches behind him. Not even members of his own party could put up with hearing it all over again.

Mr Peter Jones: I cannot see your benches filling up now.

Mr WILSON: It is not a Government motion. It is an Opposition motion. One would presume that the Opposition supports the motion. However, if the level of attendance by Opposition backbenchers tonight is a measure of their support, then the Leader of the Opposition is surely on the skids.

Even the Deputy Leader of the Opposition had to look up to him at one stage and wonder why he was overshadowing him during his speech.

Mr Pearce: When he was using the chart I thought he looked like Piggy Muldoon.

Mr WILSON: The Government does not take the motion with any great degree of seriousness. If it were at all interested in the tedious motion and repetition by the Opposition it would have to be honest and say that it is disappointed that the Leader of the Opposition has the temerity to say that this Government refused consistently to debate or consider the fundamental issue of whether there should be available to the Aboriginal people in this State legal rights to claim land and hold it on special conditions not available to other Western Australian people. It is not the Government, but rather the Opposition that has refused to debate this issue in a reasonable manner. It is the Opposition which has been going around the countryside *ad nauseam* and putting up its hollow edifice about what land rights means. It is in response to that hollow edifice that it has produced its poll figures showing that the majority of Western Australians are opposed to land rights. The Opposition cannot say with any truth or any honesty that the majority of people are opposed to the land rights that this Government is proposing. It can say only that it has been able to whip up enough opposition to the hollow edifice it has put up as "land rights" in order to give it the feedback it desired.

Mr MacKinnon: What type of land rights are you proposing?

Mr WILSON: In fact, the Government has always believed that this is an issue that should be dealt with in a reasonable, rational and decisive way.

Mr MacKinnon interjected.

Mr WILSON: Do not enter into this debate.

Several members interjected.

Mr WILSON: I am sorry the Deputy Leader of the Opposition interrupted like that. I had more regard for him and I do not want to hear that sort of carping from him. I expected better from him.

Mr MacKinnon: This will be the truth.

Mr WILSON: This will be the truth?

Mr MacKinnon: What I said happens to be the truth.

Mr WILSON: This is why the Government initiated the Seaman inquiry; namely because the inquiry would not only encourage debate, but also help inform it. There is little doubt that Mr Seaman has been effective in that task, both in his discussion paper which was put out in January and now in his final report.

If the Leader of the Opposition wants to set about rediscovering the wheel by rehashing all the old arguments and half truths that appear to have been his strength in the last 12 months, that is his business. I suggest in my own humble way that his support in that regard will be restricted to his own side of the Parliament.

I believe that through the auspices of Mr Seaman's paper and now his report and the issue of the Government's statement of principles, we have the best possible context in which we can get that reasoned input into the legislation that the Government is seeking. If the Leader of the Opposition and his cohorts believe there is some cheap political point scoring to be made, that is their right, but they will not have any support from the Government on this matter.

As the member for Mitchell has reminded the House, the Opposition failed to make any input into the Seaman inquiry; it refused to participate or to have anything to do with it. It refused to participate in this process of reasoned and rational debate and opinion forming on this issue.

I suppose the Opposition has to accept that, with its own peculiar and particular viewpoints—I stress the word "peculiar" because the State conservative parties and in particular their leader who has this dedicated and obsessive attitude on this issue, an attitude to which he has confessed—it is radically out of step with its Federal counterparts in the area of Aboriginal land rights.

I will briefly refer to some of the pertinent points of the Federal coalition parties' platform from which I am pleased to quote. It is issued by Mr James Porter who is the spokesman on Aboriginal affairs for the Federal Opposition parties. It reads as follows—

The coalition believes there is a need for positive policies to provide opportunities for Aboriginal people who have a close and continuous association with their Aboriginal Lands, to live according to the traditional culture and lifestyle.

This will be enhanced if they can be given secure title to appropriate land, provided that land has not been alienated.



Further on it states—

In relation to the application of Commonwealth Government policies and the development of legislation by the states, we will encourage them to:

- (1) Enable the Aboriginal community to participate in detailed consultation in the formulation of land rights legislation;
- (2) Enable Aborigines choosing to live on the traditional land, and to retain some or all of their traditional association with the land, to, where consistent with the rest of this policy be granted secure title to such land to facilitate a continuation of their lifestyle and culture;
- (3) Grant security of tenure in the abovementioned circumstances whereby title to the land is held unencumbered for, and on behalf of, that community;
- (4) Ensure that the terms and conditions of entry and compensation for exploration, mining and other use of the land has due regard to the social and cultural needs of the traditional aboriginal owners;
- (5) Provide for the protection and preservation of sites of particular sacred significance;
- (6) Grant title to Aboriginal and Torres Strait Islander communities who are living on reserves which ensures:
  - (a) That the integrity of the reserved boundaries be maintained;
  - (b) secure tenure for occupants and preservation of their rights to use the land;
  - (c) responsibility for the management of the reserves is vested in local communities;
  - (d) full consultation with the community in relation to the provision of services.
- (7) Provide secure tenure to protect communities who are ordinarily resident on land within a pastoral lease by way of excision of the Aboriginal settlement;
- (8) Provide fringe dwelling Aboriginal communities with secure tenure for appropriate land.

Mr Gordon Hill: It is pretty radical stuff.

Mr WILSON: I hardly need to draw the very close similarities between that statement of policy by the Federal spokesman on behalf of the Federal coalition parties and the statement of principles proposed by the Western Australian Government.

It would appear that the Western Australian Government, in its moderate approach to this issue, is very much in line with the Federal conservative spokesman on Aboriginal affairs.

I suppose we have to ask, "Where is the real Liberal Party? Which is the real Liberal Party and which one do we take notice of? Is it Mr Porter in his very fulsome statement which is very much in line with the statement of principles issued by the Western Australian Government, or is it the obsessed Leader of the Opposition of Western Australia who admits to his personal obsession on this issue which clouds his judgment and clouds everything he has to say on Aboriginal land rights?"

Several members interjected.

Mr WILSON: I have not avoided it, and I do not seek to avoid it. Of course what the Opposition avoided is the rest of the policy statement.

Mr Hassell: The policy statement relates to the area of Commonwealth responsibility, not the State.

Mr WILSON: The Leader of the Opposition did not listen to it and I do not think he has read it carefully because it does refer to the States. It refers to encouraging Aboriginal communities in the States to consult for themselves on the issue of land rights. I think the Leader of the Opposition should read it carefully and perhaps he should ring Mr Porter and see where he differs from him and take him to task over it.

Mr Hassell: Why don't you read out the other parts?

Mr WILSON: I accept what the Leader of the Opposition has read out. I do not deny what he has read out and I do not back away from it, but I think he should have read out what I did.

Mr Hassell: I did not read any of it.

Mr WILSON: No, he did not read it out and I suggest he had good reason for that.

Mr Hassell: I told you the position.

Mr WILSON: We have a very big division between the Leader of the Opposition and his Federal counterparts. The question people must ask is, "Who really speaks for the Liberal Party on this issue? Is it this deeply obsessed man in Western Australia who confesses to this terrible obsession he has on this matter, or is it Mr James Porter in Canberra?"

Mr Williams: What makes you think it is one man? It is one party united.

Mr WILSON: The Leader of the Opposition was on his own tonight when he was speaking.

Several members interjected.

Mr WILSON: The State Liberal leader appears to be out of step not only with his Federal counterparts, but also with a lot of other people. I would like to take this opportunity to remind members of what the editorial in *The West Australian* on Friday 28 September said about the Seaman report and the Government's statement of principles. It reads—

The Burke government's response to the Seaman inquiry walks a fine line between Aboriginal aspirations and political and economic reality. And it does so with considerable success, even though it will be accused of cowardice by those in favour of land rights, and of treachery by those against.

Further on it states—

This stance recognises that the mining industry, in particular, is vital to the fortunes of all Australians—black or white. Thus Aborigines will not be able to veto mining developments and strike royalty bargains with miners. Minerals will remain in the possession of the State, and a share of the royalties that flow from them will be channelled to Aborigines through the Government.

Finally it said—

Our society is being put to the test: Can we accommodate something as alien, though well-meaning, as land rights, or will materialistic responses prevail? The Government's statement of principle is far from complete, but it suggests a direction which sensible and fair-minded people could support.

It appears that it is hard to find fair-minded people on the other side of the House.

Mr Pearce: It is hard to find fair-minded people on the other side of the House.

Mr WILSON: The Minister for Education, is, of course, more expert at making that judgment than I am, but I take his word for it.

It is unfortunate that we do not have those fair-minded people willing to take that view on the other side of the House. Of course, there are other people who have spoken in response to the Seaman report and the Government's statement of principles. We have a spokesman from the WA Chamber of Mines who was quoted in *The West Australian* on 29 September as follows—

"This has deferred fears about the acceptance of land claims over privately held land and leases. Mr Duncan Bell from the chamber of mines was quoted on radio station 6WF on September 28 as saying that "the principles taken into consideration—interests

of the wider community—the Government's principles are heading—in the right direction".

The editorial in *The Western Mail* on 29-30 September stated—

The community now has a sound base on which it can make informed decisions about improving the lot of 35,000 of the State's most underprivileged citizens. Now it is up to the State Opposition—the issue is not going to go way.

Finally, we have Mr Max Cameron quoted in *The West Australian* of the same date saying the Government was trying to equate that policy direction to follow the middle ground.

We have an editorial in *The Farmers Weekly*. Let me read a section from the editorial from that newspaper, which can hardly be said to be a strong supporter of the ALP. It is the latest edition, dated 3 October, and states—

... the Premier has moved to defuse the issue by inviting a wide range of interested parties to make an input in the framing of the legislation. The Liberal Party took little time to reject the Government's invitation and in so doing could put itself in the invidious position of not being able to justify any criticism it has of the legislation. In contrast, the Primary Industry Association has welcomed the Government initiative while not giving unequivocal support to the Government's view.

Fair enough, we would not expect them to. It goes on—

... it reasoned that it would be in a position to exert some influence on the legislation and this was the course that its members would want it to undertake.

One of the major criticisms of primary producer organisations in the past is that they do not exert enough influence or pressure on Governments, whatever their political colour.

The PIA is determined that primary producers will not be disadvantaged by the legislation.

The Government's statement of principles on the proposed legislation is sufficiently broad to allow for jockeying to take into account wide variety of views in the final Act.

Whatever individual views are on the proposed legislation, the Premier had handled the matter well so far and his actions have certainly had a cooling effect on what otherwise could have been a political hot potato.

Let me quote from a news release of the RSL.

Mr MacKinnon: You are not following the PIA?

Mr WILSON: We might be. Does the member think that is a bad idea?

Several members interjected.

Mr WILSON: Do members disapprove of that?

Several members interjected.

Mr WILSON: The RSL release reads—

The RSL believes that genuine Aboriginal people should be granted permanent tenure on selected land that meets their living requirements and protects and preserves proven sacred sites.

Several members interjected.

Mr MacKinnon: Does that say the RSL supports land rights?

Mr WILSON: The member must make up his own mind.

Mr MacKinnon: I am asking you a question.

Mr WILSON: It goes pretty close to saying the RSL supports our position.

Mr MacKinnon: It does not say anything of the sort. Read it out again.

Mr WILSON: Do not shout like that.

Mr MacKinnon: Let us hear it.

Mr WILSON: It is very undignified.

Mr MacKinnon: What is wrong—

Several members interjected.

Mr WILSON: Read *Hansard*.

Mr MacKinnon: What are you ashamed of?

Mr WILSON: I am not ashamed of anything.

Mr MacKinnon: Read it again.

Mr WILSON: Not only do we have all these groups, along with Aboriginal people representing groups throughout the State, willing to take part in the process of drawing up legislation, but also we have had an offer from Mr Tuxworth, the Minister for Mines and Energy in the Northern Territory, who has agreed to make people available to assist in this process. We have had an offer from a conservative Government in the Northern Territory. That Government will be in on the act; but this poor old conservative Opposition in Western Australia will be left out in the cold.

Several members interjected.

Mr WILSON: It is not going to exercise its options; it will be out in the cold looking very silly indeed.

Several members interjected.

Mr WILSON: All these people have indicated some degree of support for the procedure which

the Government is now adopting. Not all of them have said they agree with everything the Government has put in its statement of principles, but at least they have shown sensible willingness to be involved in a process which will provide Western Australia—

Several members interjected.

Mr McNee: Like the package deal you put up in the Federal Parliament.

Several members interjected.

The SPEAKER: Order!

Mr WILSON: I believe that this Opposition, in particular the Leader of the Opposition, with his personal deep opposition to this issue, has been left right outside in this process which has been coming together in Western Australia since the release of the Seaman report's findings and the issue of the Government's statement of principles.

Several members interjected.

Mr WILSON: We know what is being said in the electorates.

Several members interjected.

Mr Pearce: You were quoted in the paper as saying the Liberals in Murchison-Eyre—

Several members interjected.

The SPEAKER: Order! That has nothing to do with this debate.

Mr WILSON: I do not doubt that people might be saying things in those electorates. We know the sort of thing members have been saying about land rights.

An Opposition member: It is not the same.

Mr WILSON: Oh yes, it is.

Several members interjected.

The SPEAKER: Order!

Mr WILSON: We know what members of the Opposition are up to. We are well aware of the stuff they are putting up to people. We are not in the least worried. The Government is confident that with the assistance of the groups I have mentioned—those who have offered to be involved in this positive process—that it is the Opposition, with its obsessed leader, which will find itself out in the cold in the long run.

#### *Amendment to Motion*

In that regard I wish to move an amendment to the motion before the House.

I move—

That all words after the word "has" in line 2 of the motion be deleted and the following words substituted—

succeeded in relation to Aboriginal land claims because:

- (a) it has obtained a broad consensus to the statement of principles for the various Aboriginal, mining, pastoral and primary industry groups—all of which stand to be affected by the legislation;
- (b) it has successfully negotiated to ensure that WA's position in this issue is recognised by the Commonwealth and in particular following the negotiations between the Premier and the Prime Minister, WA now has an undertaking that there will be no veto on mining imposed by the Commonwealth Government.
- (c) the Government condemns the State Opposition's approach to the issue because the Opposition sought to:
  - (i) divide community interest groups on grounds of race—an approach inconsistent with policies endorsed by the previous State Liberal/Country Party Government who were quite prepared to introduce specific purpose legislation directed at Aboriginal groups (e.g. the Aboriginal Communities Act); and
  - (ii) for being completely out of step with their own Federal counterparts in the matter of Aboriginal land rights.

**MR PEARCE** (Armadale—Minister for Education) [9.09 p.m.]: I am pleased to second this amendment. It summarises very neatly the consensus which the Government has been able to assemble. I am sorry to see that members of the Opposition do not want to become involved with the Government in drafting new legislation seeking a consensus approach on this difficult issue for Western Australia. People are being given a choice between working together as a community or working against sections of people in Australia. I would like to see the people of Western Australia working together with this Government, not against each other with the Opposition.

**MR HASSELL** (Cottlesoe—Leader of the Opposition) [9.10 p.m.]: This amendment, of course, is a nonsense concocted by the Minister to try to get himself off the hook in dealing with issues which have been raised by the substantive motion before the House. The first claim of the motion is that the Government has obtained a broad consen-

sus. That is simply factually wrong. The Government has obtained no consensus from anyone. The Government has obtained agreement from a number of groups of people who have involved themselves in discussions about the legislation. If the Minister were honest enough to tell the House the true position he would say not one of the groups referred to by the Government and by the Premier in his statement is in any way committed to the Government's land rights legislation.

**Mr Wilson**: I admitted that; that is nothing new.

**Mr HASSELL**: Even the Aboriginal groups are not in any way committed to the Government's legislation. In fact they are greatly dissatisfied with the Government's approach.

**Mr Wilson**: I have admitted that.

**Mr HASSELL**: If the Minister has admitted it, why does he say he has a particular consensus to the statement? The statement of principles is also claimed to be the principle upon which the legislation will be drafted. So the Minister is being dishonest on that issue.

**Mr Wilson**: What a weak argument.

**Mr MacKinnon**: A very strong argument.

**Mr HASSELL**: The second part says that the State has successfully managed to ensure that WA's position on this legislation is recognised by the Commonwealth. What a very interesting amendment that is. The Government will carry it because it has the numbers, but I hope that the Government will realise that in putting forward such an amendment it is admitting that it is going along with Commonwealth interference in Western Australian affairs. It is, in fact, admitting that it is prepared to have the Commonwealth Government meddle in Western Australian sovereign rights, and that it is prepared to allow the Commonwealth to have some part in these discussions.

This is a matter for the State of Western Australia. It is a matter for this Parliament to determine. It has nothing whatever to do with the Commonwealth. The Commonwealth has no right to the lands of Western Australia; they belong to the people of this State, represented by the Crown as the head of this State. They do not belong to the Commonwealth Government or to the Commonwealth Parliament, which has no right of dispossession of those lands in any circumstances whatsoever, except the specific constitutional right to resume land for the public purposes of the Commonwealth on conditions of payment of just compensation.

That is the only right to Western Australian land which the Commonwealth has. I was very

interested to hear the Minister admitting earlier today that the Commonwealth admits that position itself, and that the Commonwealth admits that it has no right to the land of Western Australia. So why, then, is this State Government, this Burke Government, conspiring with the Commonwealth to effect a dispersal of Western Australian land?

Why is this Commonwealth Government involved with the drafting of legislation relating to a matter of State constitutional responsibility? What a fine example of centralism that is: A State Government meekly and mildly going along with Commonwealth demands to interfere with and involve itself in a matter that ought to be determined exclusively by this Parliament.

Mr Pearce: This is a clear case of ancestral guilt.

Mr HASSELL: That is a very interesting comment, because the one thing I do not have is ancestral guilt. It is the proponents of land rights who have ancestral guilt—the Malcolm Frasers of this world who are able to go along with the idea of land rights, because they feel guilty about their backgrounds and their successors in the world. They feel they can remove that guilt by giving away half of Australia. I have no such sense of guilt.

Mr Carr: In fact you have no feelings at all.

Mr Pearce: You are a self-made man born in a sod hut!

Mr HASSELL: I cannot concede that Aboriginal or Australian problems will be solved on the basis of the beating of breasts and the self-denigration involved in the land rights approach of this Government and others.

The second part of the amendment is a very significant admission by the State Government that it is handing over to the Commonwealth and conceding to it rights to interfere in the affairs of the State which should be resisted by a State Government representing the people of the State, just as we resisted such moves very successfully on numerous occasions during our term of office when the Commonwealth started to move towards interfering in the affairs of the State.

We laid it down very clearly that the Commonwealth was not welcome to put its sticky fingers into the affairs of the State, to direct them or have any part of them, because we were the elected Government of the State and, as I said before, much and all as I disagree with most things that members opposite propose and believe in, I certainly agree with the principle that, as the elected Government of the State, they are entitled to govern the State according to the Constitution of

the State. I agree also that the powers the Government has do not belong to the Commonwealth, and the Commonwealth has no right whatever to interfere in the matters that fall within the constitutional responsibility of the State. The dispersal of the land of the State is a matter for the State and this State Parliament, not for the Commonwealth; it is not for the lunatic Holding and his extreme band of colleagues and all the others over there who, in the ivory towers of Sydney and Melbourne, are so removed and separated from the reality of Western Australia.

Paragraph (c) of the amendment reads in part as follows—

The Government condemns the State Opposition's approach to the issue because the Opposition sought to:

- (i) divide community interest groups on grounds of race. . .

What arrant nonsense that is. What absolute rubbish. One would think that even this Minister who is so full of fire and brimstone would have been able to come up with a better set of words than those.

The Opposition has not sought to divide communities. The Opposition is seeking to ensure that communities are not divided and, of course, the Minister knows that most of the members on the Government benches do not agree with what the Government is up to, anyway.

Mr Wilson: You name them.

Mr HASSELL: They do not agree with what is being done in this area. Government members should look at the Federal member for Kalgoorlie who has been running around the countryside telling little groups behind his hand that he does not agree with land rights. However, when he is pressed he says, "Well, I will not cross the floor to vote against it anyway". Do members opposite deny that has been going on with their Federal member for Kalgoorlie?

Several members interjected.

Mr HASSELL: I am talking about the Federal Labor member for Kalgoorlie.

Mr Wilson: You were talking about this side of the House.

Mr HASSELL: The member for Kimberley knows about his activities. He knows full well that the Federal member for Kalgoorlie has travelled widely through his electorate telling people that he does not agree with land rights. He has been opposing them. He has written a letter to all of his colleagues, a letter which was publicised and which said that he does not agree with land rights.

The Federal member for Kalgoorlie has been saying to people that he will not oppose land rights—

Mr Pearce: The Federal member for Kalgoorlie said he was opposed to a veto.

Mr HASSELL: No; the Federal member for Kalgoorlie is opposed to land rights, but when he is really nailed down on the issue, he tells people he will not vote against it in the House anyway. He tells people the convenient story of his opposition to land rights as long as it does not come to a show of courage when the issue is taken up in the House, and to crossing the floor of the House and incurring the wrath of the Labor Party machine.

What a load of drivel it is to say that the Opposition has sought to divide community interest groups. The Opposition has been out campaigning on this issue for nearly 12 months. We have been to numerous seminars. We have even involved a number of Labor members.

Mr Wilson: Like a drunken brawl in Port Hedland.

Mr Pearce: You sparked three riots.

Mr HASSELL: The member for Pilbara spoke at one of our seminars and Labor members have always been treated with—

Mr Wilson: Seminars! What a euphemism.

Mr HASSELL: The members took part voluntarily. We did not force them to do so and they were always treated with courtesy and respect. They had their say if they wanted to. Those seminars have been completely open. They have invariably been attended—

Mrs Buchanan: I was prevented from having a say at Port Hedland.

Mr HASSELL: Not only did the member for Pilbara make quite a long speech there, but also it was a speech—

Mrs Buchanan: That was at Karratha, not Port Hedland.

Mr Wilson: You are getting your towns mixed up.

Mr HASSELL: The member for Pilbara said very clearly that she was speaking on behalf of the Minister and she set out precisely what she was saying on his behalf.

Mr Pearce: What happened at Port Hedland?

Mr HASSELL: The members of the Government have been in turmoil over the legislation and the Seaman report. There were arguments in Caucus as to how the Seaman report would be released and whether the Government's statement of the position should be released at the same time. There have been troubles with Aboriginal

groups on which the Government has turned its back after making all sorts of promises to them.

Minister Dowding promised that if Aborigines did not get all their land rights, he would resign. He has gone strangely quiet. Hon. Tom Stephens could not believe that the Government was ratting on its commitments as it has done.

All of those things indicate that the Government is the one which has a divided position on land rights, not the Opposition. As the Minister knows, as Government members know, and as I know, the great majority of Western Australian people are opposed to land rights. That is a simple fact.

Mr Wilson: As you put it to them.

Mr HASSELL: I have not put it to them.

Several members interjected.

Mr HASSELL: I will grant the Minister that I have whipped up this matter. I have set out to campaign against land rights. I am absolutely and totally opposed to land rights. Do not Government members understand that yet? I am totally opposed to land rights. I feel the Government is wrong. Cannot Government members understand that position?

Mr Wilson: You are obsessed.

Mr HASSELL: The Minister and his extremist colleagues—

Mr Carr: You are calling us extremists? What nonsense.

Mr HASSELL: —thought that, by labelling us as racists, and calling us all sorts of names and abusing us, they would silence us. The Minister and his colleagues set out on a concerted campaign of abuse and innuendo against those who opposed land rights. We even had one of the members of the Human Rights Commission saying that there was a hurried need for legislation to stop the slander of racial groups and to put a stop to all these people who were opposing land rights. That statement was as clear as a bell and even his fellow commissioner could not defend what he said.

What an incredible campaign has been waged in this country in the past year to try to shut up people when they disagree with the Government and to try to silence them by abuse and various kinds of threats. Look at the activity that has gone on in relation to the comments made by Professor Blainey.

Mr Wilson: What does that have to do with land rights?

Mr HASSELL: The same kinds of things have been said. It has a lot to do with the attitude of Labor Governments to people who disagree with

them or question their position. Members should look at the abuse the Government has heaped on me over and over again because I disagree fundamentally with its position on land rights.

Mr Pearce: You are the Enoch Powell of Western Australia.

Mr MacKinnon: At least he has not broken down in tears.

Mr Pearce: Or gone up to 69 per cent in the polls!

Several members interjected.

Mr HASSELL: Why is it, Sir, that this Minister, this Government, and the Hawke Government and its Ministers have used these terms of abuse against people who are opposed to land rights?

Mr Pearce: Because we are offended by racists.

Mr HASSELL: They have done that, because they want to silence those people; because fundamentally they do not believe that we should have the right to oppose their proposals in respect of land rights. Government members believe we should be silenced.

Mr Pearce: You would be at home in South Africa. You are the wrong sort of person to lead a political party in Western Australia.

Mr HASSELL: At least the Minister for Education has brought up something relevant now, because he is talking about South Africa and, of course, land rights are a form of apartheid, as he knows, and that is why we are opposing them so vigorously; we do not want to bring apartheid into Western Australia under any circumstances.

It is just incredible that this man, this Minister for Education, who is peddling political propaganda through the schools of this State should join the Minister with special responsibility for Aboriginal Affairs in trying to silence those who oppose the Government's point of view, just as the Federal Government and its Ministers have tried, through a concerted campaign of vilification and abuse, to silence those who oppose their points of view, their Bills, or anything else.

Surely by now this Minister and this Government have got the message that we will not be silenced. We will not be beaten into the ground on this issue by all the abuse they heap on our heads. Government members can say what they like. They can scream as much as they like—

Mr Wilson: You are the one with the high pitched voice.

Mr HASSELL: The Minister can use whatever terms he likes; if he uses anything defamatory, he will be sued—

Mr Pearce: This is the proponent of free speech!

Mr HASSELL: —but he will not succeed in silencing me or any of my colleagues. We will continue every day and in every way to oppose the Government's plan to divide Western Australia. The Government's worthless amendment is worthy of nothing more than contempt.

MR MacKINNON (Murdoch—Deputy Leader of the Opposition) [9.28 p.m.]: I also rise to oppose the amendment moved by the Minister with special responsibility for Aboriginal Affairs. The Leader of the Opposition has stated quite clearly the reasons for our opposition, but I shall enunciate a couple of others.

If the Government thinks it has "obtained a broad consensus" to the statement of principles from the various Aboriginal, mining, pastoral, and primary producer groups, it is sadly deluded. If the Government thinks also that, by gaining the broad consensus of those groups, it has community support on this issue, again it is sadly deluded.

It is not strange that, when one moves around the community, people raise issues with one. The issue which people raise with me most frequently these days is Aboriginal land rights. In fact on Saturday evening I attended a football club prize giving in my electorate and a couple of fellows aged approximately 19 and 20 came up to speak to me. They sought me out specifically to mention to me their total opposition to Aboriginal land rights.

Mr Pearce: If you look like a clown people will talk to you about circuses. If you look like a racist people will talk to you about racism.

Mr MacKINNON: They have a very clear understanding of the issue. They are not to be confused by what may or may not be produced from the charade of the negotiation that goes on between the Premier and the Prime Minister. They understand quite clearly what are the issues, as do the people of Western Australia.

As the Leader of the Opposition has indicated, whether or not the Government accepts this motion in its original form, that part of the amendment claiming consensus is really irrelevant. The people of WA understand clearly what the issue is; they have not been taken in.

Mr Wilson: Were there any Aborigines at the trophy night?

Mr MacKINNON: Yes, there were, interestingly enough.

Mr Wilson: Did they come to talk to you?

Mr MacKINNON: No, they did not.

Mr Pearce: They kept a million miles away from you. They can pick a racist a mile off.

Mr MacKINNON: I did not even speak at the dinner, as a matter of fact. These fellows sought me out.

We come to the second part of the amendment, which the Leader of the Opposition has quite clearly indicated is a sad admission by this Government. It says—

It has successfully negotiated to ensure that WA's position in this issue is recognised by the Commonwealth and in particular following the negotiations between the Premier and the Prime Minister, WA now has an undertaking that there will be no veto on mining imposed by the Commonwealth Government.

As the Leader of the Opposition said, what a very sad admission. We have the Government of Western Australia saying, "We have successfully negotiated with the Commonwealth to recognise our position". The Leader of the Opposition has clearly indicated that, no matter what the Minister might say our Federal policy indicates, the Leader of the Opposition in Canberra and all the other leaders of our party in Canberra have indicated that they will not interfere in any way with the State's undertaking its responsibilities.

Mr Pearce: That is largely because they won't be in Government in the foreseeable future.

Mr MacKINNON: I ask the Minister to read the motion out and repeat for me the very beginning of it which says, "The Federal Government will encourage the State"—"encourage", not "interfere".

Mr Wilson: I did read it.

Mr MacKINNON: It does not say "interfere". Compare that with this newspaper article of 29 September—

The Federal Government yesterday adopted a conciliatory approach to the WA Government's approach to the Aboriginal land-rights package.

But it refused to rule out the introduction of tougher Commonwealth legislation applying throughout Australia.

I listened to the "AM" broadcast of Mr Holding and if ever I have heard a politician ducking the issue, it was Mr Holding on that occasion. He did not answer one question directly. The reporter pursued him persistently and Mr Holding played the slippery cel. He moved out underneath every direct question asked. Nowhere, either in that statement, the Prime Minister's statement of 5 October, or the statement by the Premier of today's date, do we see any indication of any backdown from that position. There has not been

any indication and the Minister well knows it. Surprisingly enough, so do the people of Western Australia.

Mr Williams: Quite right.

Mr Wilson: I think you have got more coming yet.

Mr MacKINNON: In fact, if the Government were so confident about its position on land rights, why go through the facade of getting a committee of all these people to assist it with drafting legislation? If the Government is so confident of its ability and if it thinks it is so right, why does it not get on with the job and do the drafting? Let it have the guts to stand up and be counted. Why does not the Government do that?

Mr Wilson: That is the Liberal way. Why don't you consult?

Mr Rushton: It is leadership too, what's more.

Mr MacKINNON: The member is not wrong. We do consult. We have the same old word used here, the "consensus" that the Prime Minister of this country is imposing upon Australia. "Consensus" means, "We have a position. Come and talk to us. You give way and come to our position and we will all come out with the consensus viewpoint".

Mr Wilson: You have got a loud voice.

Mr MacKINNON: Consensus, my eye! It means nothing of the sort, and the Minister knows it. If this Government had any gumption or leadership at all it would come out now and state clearly its position. What is the Government's position? It is very confusing. The Minister seems to be following in the footsteps of a Minister in our Government who surprisingly lost his seat when he used to put these advertisements in the newspaper.

Mr Wilson: I am not worried about threats.

Mr MacKINNON: If I were the Minister I would stop putting my photo in the newspaper.

Mr Wilson: I am not worried about your threats.

Mr MacKINNON: I refer to an advertisement headed, "Land rights: Talking solutions not problems". I quote as follows—

Aborigines will have the right to claim secure title to some types of unoccupied and unused Government owned Crown Land, though not to privately owned, leased or used land.

Tell me, what in the terms of the Government's agreement with the Commonwealth do the words "secure title" mean?

Mr Wilson: It means that people will have secure title.



Mr MacKINNON: What does that mean? I have secure title to my property at 6 Mendip Mews, Willetton, and so has the member where he lives. What does "secure title" mean in relation to Aboriginal land rights? The Minister publicly stated that in an advertisement. Now let him publicly state for the people of WA what it means.

Mr Wilson: It means they will have the same right to land as other people have to land, except—

Mr MacKINNON: Stand up and be counted. Have the guts to say what it means.

Mr Wilson: Come on, I have said what it means.

Mr MacKINNON: The Minister has not said anything of the sort. Here we have the Minister with special responsibility for Aboriginal Affairs publicly using the taxpayers' dollars to mislead the community. What does "secure title" mean?

Mr Bridge: Just what it says. What do you think? Secure title.

Mr MacKINNON: What does that mean? Does it mean unalienable freehold title?

Mr Hassell: Of course it does.

Mr Carr: What does that mean? Your shouting does not help matters.

Mr MacKINNON: "Unalienable freehold title" has a clear definition in the Northern Territory Act, and most people understand what it means. What does "secure title" mean, Minister?

Mr Wilson: It means those people have secure title to that land, just as you have secure title to your land.

Mr Hassell: So it is an ordinary freehold title.

Mr MacKINNON: So they will have an ordinary freehold title just as I have on my house and they will be able to sell that property?

Mr Wilson: Gosh, read the report.

Mr MacKINNON: I am asking the Minister to explain what was publicly advertised so we all understand.

Mr Jamieson: Read the report. We gave you a copy.

Mr MacKINNON: He is using my money to advertise something and he cannot even explain what it is.

Mr Wilson: What righteous indignation!

Mr MacKINNON: It is partly the Minister's money, partly my money; it is the money of the people of Western Australia. The Minister has not even got the courtesy to explain what "secure title" means. He can wave his hands all he likes, but it does not alter the position.

Mr Wilson: The member can shout all he likes.

Mr MacKINNON: The Minister does not even have the guts to tell us what it means.

Mr Wilson: I will not be intimidated by your shouting. You are a little man with a big voice.

Mr MacKINNON: So much for the agreement successfully negotiated between the Commonwealth and the State; and the Minister is using the taxpayers' funds to advertise in a very misleading way.

Mr Wilson: Just as your Government did.

Mr MacKINNON: If our Government ever did that—

Mr Wilson: Of course it did. Why don't you admit it? You were a member of that Government.

Mr MacKINNON: Do two wrongs make a right?

Mr Wilson: You are saying you were wrong now, are you?

Mr MacKINNON: I am asking, if the Minister thinks I was wrong, do two wrongs make a right?

Mr Wilson: Yes, you were wrong.

The SPEAKER: Order! There are too many interjections.

Mr MacKINNON: For the benefit of the Minister I repeat what that agreement he talks about in his amendment to the motion means. I quote from the Prime Minister's release of 5 October as follows—

The Federal Government in accepting its obligations at a national level for Aboriginal land rights recognises the interests of Western Australia in addressing its problems.

It continues as follows—

The Federal and State Governments will work together to ensure that common principles are adopted in the formulation of land rights legislation.

It continues—

The Commonwealth remains committed to its constitutional responsibilities in this area, but in fulfilling these responsibilities the Federal Government will acknowledge the particular needs of Western Australia.

It does not say that the Commonwealth will not be involved in the area; it does not say that the Commonwealth will ensure that it stays out of the area, but it will leave it to Western Australians to judge what is best for themselves. No, the Commonwealth has this sword of Damocles hanging over our heads all the time.

The Commonwealth Government wants to "work together" with us, supposedly with our

State Government, with a view to trying to achieve some objective. We all know what that objective is. The Opposition does not support that part of the statement dealing with the ability to claim in excess of 50 per cent of Western Australia. The Minister then said—

The Government condemns the State Opposition's approach to the issue because the Opposition has sought to:

(i) Divide community interest groups . . .

In our original motion we have indicated that the Government is attempting to deliberately misrepresent the position of the Opposition and again it is clearly attempting to do so here. The Minister has done so this evening. On 6 October on a Radio 6WN news broadcast, the Premier said the following—

It's very difficult to understand the Opposition's position in respect of Aboriginal land rights legislation, because it seems to be a case of shifting sands.

The Minister had better have a talk to his Premier because the Minister seems to indicate that we have not changed our position. We have not done so and we will not do so. We have had the same position all along and we will retain that position. I am pleased to say, unlike the Government, we have a clear commitment from our Federal colleagues that they will not interfere in Western Australia. They trust us and they will allow us to negotiate the position as we see fit for Western Australians without interference. That cannot be said for the current State Government.

I want to address another matter, and I direct my comments to the member for Kimberley. I would like him to explain to me because it is passing strange—

Mr Wilson: This will be the nasty part!

Mr MacKINNON: —why it should be that the Opposition should support legislation in this House that gives him better title and better rights to land in Western Australia than I have. Why should I support that principle?

Mr Bridge: Nobody expects you to support it. If you were really interested—

Mr MacKINNON: I am interested because I have asked the member a question.

Mr Bridge: Listen to me. That very point was put to me on radio a little while ago and I said, "Ernie Bridge does not stand to benefit from land rights because it is not intended to serve the likes of me. I have security". My wife and I at the present time—listen to this—

Mr MacKINNON: The member will have written into the legislation that it does not apply to Ernie Bridge?

Mr Wilson: You are a facile little man.

Mr Bridge: You have asked me a question. Let me answer it.

Mr Wilson: You shout him down.

Mr MacKINNON: The member for Kimberley will make sure that he has written into the legislation that Ernie Bridge is exempt from it?

Mr Wilson: Don't be a galah.

Mr Williams: He is dead right, though.

Mr Wilson: He is a galah.

Mr Bridge: The position is that my wife and I own secure land. We own a property at Doubleview and at Northbridge where we have secure land tenure like you; but when we take the situation of people at, say, Jigalong Mission which houses 500 people, they are in a very different position.

Mr MacKINNON: Neither the member for Kimberley nor any other Aboriginal person in Western Australia will be exempt under this legislation. The member will have those rights clearly under this land rights legislation.

Mr Jamieson: But whether they use them or not is another question.

Mr Wilson: How can he justify a claim?

Mr Bridge: How can I justify a claim?

Mr MacKINNON: Legislation will be introduced into this Parliament which will clearly give the member for Kimberley that ability.

Mr Wilson: It will not.

Mr MacKINNON: Will it not do so?

Mr Wilson: He will not be able to justify a claim.

Mr Bridge: How will I justify it?

Mr MacKINNON: The Minister is saying the member for Kimberley will not be able to justify a land rights claim?

Mr Wilson: I am telling you he will not be able to.

Mr MacKINNON: The Minister is saying he will not be able to justify a claim. It is very difficult for me to stand here and justify support for legislation which will give the member for Kimberley the ability to claim titles to land other than those which I can claim.

Mr Wilson: No-one is saying he will do so.

Mr MacKINNON: We will wait and see.

Mr Wilson: We will not have to wait and see because we have indicated already that that will not be the case.

Mr MacKINNON: Has the Minister indicated that? Where?

Mr Wilson: We have already indicated that the claims will have to be justified by traditional ties.

Mr MacKINNON: And the member for Kimberley has no traditional ties?

Mr Wilson: He is saying he does not have them.

Mr MacKINNON: The Minister is saying it, not the member for Kimberley.

Mr Watt: Was he also saying that 600 people at Jigalong Mission would claim that position?

Mr Bridge: They would have a justifiable claim for land security and that they reside on Jigalong Mission. They do not have it at the moment.

Mr MacKINNON: In any event the Government is asking us in the amendment to do this. Unlike that which has been represented in this amendment of the Government, our position is quite clear.

We are not out of step with community attitudes on this issue; we are completely in step with the community's viewpoints. Our aim is not to divide the community on the issue but to unite it for the benefit of all Western Australians, including Aboriginal people. We are not out of step with our Federal counterparts. They may have some different viewpoints on Aboriginal land rights legislation, but they have had the gumption to say to us, "We believe you know best for your State and we will allow you to get on with the job of legislating accordingly". I oppose the amendment moved by the Minister for the reasons I have outlined.

Amendment (to delete words) put and a division taken with the following result—

#### Ayes 21

Mr Barnett	Mr Tom Jones
Mr Bateman	Mr McIver
Mr Bridge	Mr Pearce
Mrs Buchanan	Mr Read
Mr Terry Burke	Mr D. L. Smith
Mr Carr	Mr P. J. Smith
Mr Davies	Mr Troy
Mr Evans	Mrs Watkins
Mr Grill	Mr Wilson
Mrs Henderson	Mr Gordon Hill
Mr Jamieson	

(Teller)

#### Noes 15

Mr Blaikie	Mr Mensaros
Mr Cowan	Mr Old
Mr Coyne	Mr Rushton
Mr Hassell	Mr Stephens
Mr Peter Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr McNee	

(Teller)

#### Pairs

Ayes	Noes
Mr Bertram	Mr Thompson
Mr Bryce	Mr Grayden
Mr I. F. Taylor	Mr Court
Mr Parker	Mr Crane
Mr Brian Burke	Mr Trethowan
Mr Burkett	Mr Spriggs
Mr Hodge	Mr Clarko
Mr Tonkin	Dr Dadour

Amendment thus passed.

Amendment (to substitute words) put and a division taken with the following result—

#### Ayes 21

Mr Barnett	Mr Tom Jones
Mr Bateman	Mr McIver
Mr Bridge	Mr Pearce
Mrs Buchanan	Mr Read
Mr Terry Burke	Mr D. L. Smith
Mr Carr	Mr P. J. Smith
Mr Davies	Mr Troy
Mr Evans	Mrs Watkins
Mr Grill	Mr Wilson
Mrs Henderson	Mr Gordon Hill
Mr Jamieson	

(Teller)

#### Noes 15

Mr Blaikie	Mr Mensaros
Mr Cowan	Mr Old
Mr Coyne	Mr Rushton
Mr Hassell	Mr Stephens
Mr Peter Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr McNee	

(Teller)

#### Pairs

Ayes	Noes
Mr Bertram	Mr Thompson
Mr Bryce	Mr Grayden
Mr I. F. Taylor	Mr Court
Mr Parker	Mr Crane
Mr Brian Burke	Mr Trethowan
Mr Burkett	Mr Spriggs
Mr Hodge	Mr Clarko
Mr Tonkin	Dr Dadour

Amendment thus passed.

#### Motion, as Amended

Question (motion, as amended) put and a division taken with the following result—

#### Ayes 21

Mr Barnett	Mr Tom Jones
Mr Bateman	Mr McIver
Mr Bridge	Mr Pearce
Mrs Buchanan	Mr Read
Mr Terry Burke	Mr D. L. Smith
Mr Carr	Mr P. J. Smith
Mr Davies	Mr Troy
Mr Evans	Mrs Watkins
Mr Grill	Mr Wilson
Mrs Henderson	Mr Gordon Hill
Mr Jamieson	

(Teller)

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Mr McNee	

(Teller)

## Pairs

Ayes	Noes
Mr Bertram	Mr Thompson
Mr Bryce	Mr Grayden
Mr I. F. Taylor	Mr Court
Mr Parker	Mr Crane
Mr Brian Burke	Mr Trethowan
Mr Burkett	Mr Spriggs
Mr Hodge	Mr Clarko
Mr Tonkin	Dr Dadour

Question thus passed.

**TRANSPORT: SCHOOL BUSES***Contracts: Motion*

Debate resumed from 26 September.

**MR BLAIKIE** (Vasse) [9.56 p.m.]: As it is now two weeks since we last debated this motion, I should like to read it to the House. It states—

The Opposition calls on the State Government to extend until 31 December 1984 the time allowed for school bus operators to accept their recently received contracts, which have been prepared on entirely new formulae.

Such an extension, if granted, would give the operators a more reasonable period of time in which to consult their accountants and the Education Department and therefore enable them to more accurately assess the impact on them, as individuals, of the new contractual arrangements.

In addition the operators must be given the opportunity to negotiate fairly the terms of the new contracts.

I support the motion and very strongly support the sentiments contained in it. It is interesting to note that since the motion was first introduced on 22 August a series of moves have taken place within the school bus contracting industry. The most recent was a meeting between the Minister and the contractors on 6 September. At the time the motion was introduced, the Minister indicated he was not prepared to support it and give consideration to an extension.

**Mr Pearce:** That is just untrue.

**Mr BLAIKIE:** When the motion was introduced the Minister said he was not prepared to give an extension of time to 31 December. He said he was prepared to give two to four weeks.

**Mr Pearce:** That is all you fellows were asking for. At that time I said I agreed with a two-week extension. If you were honest you would withdraw this motion because the whole business has passed far beyond the state of play at 22 August. You are raffling dead fish.

**Mr BLAIKIE:** I will be more honest and factual than the Minister. The motion asked for an extension of time and for a reasonable period so that contractors could adequately and satisfactorily prepare their case for presentation to the Education Department. The motion also called for time to enable the operators to negotiate more fairly the terms of new contracts.

A meeting was held between the Minister and the contractors on 6 September at Wentworth Motors. The meeting was warned by the chairman before it started that if any undue derision or anger was expressed by the contractors the Minister was not only liable to walk out, but might not attend. I am advised that at one stage during the meeting the Minister indicated there was a need for order.

**Mr Pearce:** There was, too. I could not be heard at one point. There was one disruptive person and the rest of the meeting shouted him down very quickly.

**Mr BLAIKIE:** I can assure the Minister I am giving an actual and honest account of that meeting.

**Mr Pearce:** I was at that meeting. You did not attend and you don't have to tell me what happened.

**Mr BLAIKIE:** The account I received was factual.

**Mr Pearce:** I will tell you afterwards whether it was.

**Mr BLAIKIE:** Prior to the commencement of the meeting the chairman was concerned about whether the Minister would turn up.

**Mr Pearce:** That is rubbish. I indicated in this House that I would attend the meeting.

**The DEPUTY SPEAKER:** Order! Can I suggest to the member for Vasse that if he wishes to continue and completely ignore the interjections I will give him protection; but if he chooses to answer some of the interjections I will find it difficult to stop them.

**Mr BLAIKIE:** Thank you, Mr Deputy Speaker. Your guidance will certainly be acknowledged. I will seek some protection from the Chair because I will ignore the interjections which have up until now been unruly.

At the meeting the Minister indicated to the assembled bus contractors that he was concerned

about their future and what the contracts would mean to them. He told them he was concerned about the way in which the previous Government had handled bus contractors. He indicated he would look at the problems and said that he had \$21 million to spend on transport within the school bus system. He said that once the bus operators had found a method of distributing that money it would be their business. However, he laid down an ultimatum that he would save an amount of \$1.5 million irrespective of what the school bus contractors would do.

While the bus contractors went along to the meeting in the spirit of consensus and conciliation in order to reason with the Minister, the Government's decision had been changed.

Mr Pearce: That is an inaccurate report.

Mr BLAIKIE: I know that you, Mr Deputy Speaker, are interested in what I am saying because I will refer to a Press statement by the Minister in which he indicated the amount of money he would save because of the revised funding of the school bus system. Notwithstanding the fact that the school bus contractors attended the meeting in good faith, it was evident to them that the only change that would take place would be that they would receive less money and that it was up to the Road Transport Association in conjunction with the drivers to work out a means of sharing the reduced amount of money.

This saga goes back to 1983 when the Minister launched his first attack on the school bus industry. In his then recently elevated position to the Ministry he came in with a flurry, lunged into the school bus industry, and played war with a big stick. One of the important things he said at that time was that it was his responsibility to spend taxpayers' money wisely and that he would make sure it was not wasted.

It was evident that the Minister did not believe in goodwill and had failed to see why contractors should make a profit in this way.

Mr Pearce: I did not say that at all. I said that they were selling Government contracts and that if that was the case the return should go to the taxpayer.

Mr BLAIKIE: What the Minister is saying is that he does not believe in goodwill. The threat the Minister levelled against the member for Katanning-Roe when this motion was first introduced was a matter of great concern. All members in the House will recall that the Minister said that if the member for Katanning-Roe wished to carry on in the manner he was, he would see what works could be carried out in his electorate.

Mr Pearce: That is totally untrue and I could seek a withdrawal. It is a misrepresentation not only of what I said, but also of what the member for Katanning-Roe said at the time.

Mr BLAIKIE: What did the Minister say?

Mr Pearce: When he was talking about spending more money on contracts I said that I had been making claims for more teachers in schools and that there was no need to spend money on school bus contractors. I was trying to save money in areas like this so that we could have smaller class numbers and, therefore, have a better education system.

Several members interjected.

Mr BLAIKIE: The Minister made those comments.

Mr Pearce: You are as thick as two short planks.

Mr BLAIKIE: It appeared to me that that was what he said.

Several members interjected.

Mr Pearce: That is not what was said. You should check it in *Hansard*.

Mr BLAIKIE: I will certainly check *Hansard*.

The DEPUTY SPEAKER: Order!

Mr BLAIKIE: I will certainly check *Hansard* because from where I was sitting that is what I understood the Minister to say. If it is not in *Hansard*—

Mr Pearce: It is in *Hansard*.

Mr Old: It is not in *Hansard*.

Mr Pearce: Look it up.

Mr BLAIKIE: What I heard was an implied threat.

The other factor I refer to follows on from comments made in the *South Western Times* by the member for Bunbury. I found his comments to be not only interesting, but also quite extraordinary. On 14 August the member for Bunbury was reported as saying—

However, according to Bunbury MLA Philip Smith, the RTA is satisfied with the new contract system.

"It's been planned to help everyone," Mr Smith said.

That would be an understatement because the Road Traffic Association drew up the new contracts.

Several members interjected.

Mr BLAIKIE: The report continues—

In the new contracts, there will be a definite incentive for bus owners to use the new vehicles.

Contractors with newer buses will get a better rate from the Government, while those with older vehicles will get less.

Again, what a remarkable understatement of facts because that is how the new contract system will work. It will be a penalty against the proprietors of older buses. The report continues—

The emphasis will be on having new, rather than maintained, buses to ensure the safety of all members of the public and especially school children.

"We're using taxpayers money, so we're hoping they will reap the benefits of such a contract," Mr Smith said.

"No matter how good checks and mechanics are, the old buses are more likely to go wrong."

The final point made by the member for Bunbury was—

Owners will have a maximum time limit of one month after receiving these new contract forms to either sign or refuse them.

If they refuse the contract offer, their contracts will then be put up for public tender.

I indicated in May last year that the Minister threatened bus contractors with new contracts and told them what the Government would do to reduce the cost of the contracts. He withdrew those negotiations and in August the Minister came forward with a new statement. He gave the contractors two weeks to sign up or put out to open tender and now he has back-pedalled on the amount of time he has allowed for contractors to put forward their cases.

Mr Pearce: You cannot say we are not reasonable. We allowed three areas of negotiation. It is a different approach from Sir Charles Court's jack boot approach.

Mr BLAIKIE: Notwithstanding the fact that there have been three separate areas of negotiation, it has been on three occasions that the representations by the Opposition have been correctly founded. In May 1983 the Opposition asked the Minister to back off, which he did. Again in August he was asked to back off, which he did and he has now been asked to do the same again. On every occasion the Minister has been under pressure and has agreed to the request.

Several members interjected.

Mr BLAIKIE: I want to say more about the member for Bunbury. It was rather interesting

that a Mrs Eileen Coombes wrote to the *South Western Times* complaining about the comment the member for Bunbury made regarding school bus contracts. Mrs Coombes said the following—

Too many Labor politicians and their advisors are people who have had little or no experience in the real world.

Further on she said—

Philip Smith can waffle on about what a great job the present Government is doing, but, as a working partner in a school bus contracting business, I can tell him that there are quite a few people he cannot fool.

Mrs Coombes was obviously concerned about what the member for Bunbury said.

I would seek your indulgence, Mr Deputy Speaker, to have this article tabled in order that all members can read it, because it is important.

Several members interjected.

The DEPUTY SPEAKER: Order! In reply to the request made by the member for Vasse the article can lie on the Table of the House for the remainder of today's sitting.

*The article was tabled for the remainder of the sitting.*

Mr BLAIKIE: It is interesting to read the letter the member for Bunbury wrote in reply to Mrs Coombes' correspondence. On 4 September the member's letter was published in the *South Western Times*. It was headed, "Opinions coloured on bus contracts", and read as follows—

Mrs Eileen Coombes (Times, August 21) in her close to libellous letter, has unfortunately coloured her opinions on the school bus contracts with her obvious political bias.

I am also prepared to table this letter in order that members can read what a member of Parliament writes when referring to a "close to libellous letter". It implies a threat to the public that they should be very careful about how they comment on a member of Parliament.

Several members interjected.

Mr Pearce: The Leader of the Opposition threatened to sue me 20 minutes ago.

Mr BLAIKIE: Notwithstanding what the Minister for Education may wish to say, I take matters seriously and I believe that people involved in the school bus business throughout the south-west also take them seriously. For any member of Parliament to indicate that a letter written to the Press is close to libellous is more than a close threat.

Mr Pearce interjected.

Mr BLAIKIE: I invite the Minister for Education to read the letter.

Mr Pearce: I have read them both.

Mr BLAIKIE: That is one of the difficulties. If members of the public wish to make any comment against this Government they do so with some fear of reprisal.

Several members interjected.

Mr BLAIKIE: In this motion we are asking that there should be a very positive time delay to allow individuals in the bus contracting business time to make alternative arrangements to negotiate with the Government. I for one am not satisfied with the 5 per cent indicated by the Government.

Mr Pearce: What percentage would you favour?

Mr BLAIKIE: I do not favour any percentage cut at all.

Several members interjected.

Mr BLAIKIE: This is affecting the morale of bus proprietors throughout the State.

The Minister has also said that some bus drivers have been making exorbitant profits. I would ask the Minister to indicate who they are.

Mr Pearce: Do you want a list? Some people are making a return on investment averaging 60 per cent under the old rate. The industry generally—and that includes the Road Transport Association—agrees that the old standard rate is anomalous. It was agreed to go to tender every five years, but the industry generally, including many bus contractors and many members of the Opposition, agreed that the trade-off to that would be some cost reduction. That has now been set at 5 per cent. Although not everyone is happy with it, the industry is happy to have that rather than go to open tender.

Mr Grill: That is correct.

Mr Pearce: You are out of date.

Mr BLAIKIE: I suggest the Minister for Transport sticks to Farrington Road and he will not get into trouble.

Mr MacKinnon: He got into trouble there all right.

Mr BLAIKIE: In a Press release on 28 August 1984 the Minister said that a school bus contractor claimed the State Government should pay for the pet food he gave his guard dog.

Mr Pearce: That's right.

Mr BLAIKIE: He went on to say that the Government should pay for a Christmas bonus for his clients. If these are the anomalies he is talking about—

Mr Pearce: They are cost claims.

Mr BLAIKIE: I do not really believe the Minister needs to upset the entire transport system to get at those few people who, if they are making these excessive claims the Minister states they are—

Mr Pearce: When we get down to the cost claims, some people claimed honestly, some claimed so badly they would have gone bankrupt had we accepted their claims—they did not claim enough—and some claimed excessively. If the industry had claimed properly we could have used the agreement and kept everybody happy, but some operators were very greedy.

Mr BLAIKIE: Notwithstanding that, the Minister comes back to this old cliché. This came out of his Press release of 28 August, when he said this—

Mr Pearce said that the Government's first obligation in the negotiations was to tax payers.

The previous system had led to unreasonable waste of tax payers' money.

The new system would save tax payers \$1.5 million a year and still ensure a reasonable return on investment for contractors.

This has changed again. This is just the point we are making. I have been trying to look through my records. We went back to 1983, when we were looking at a figure of about \$3 million the Government wanted to save.

Mr Pearce: That is what the Transport Commission said.

Mr BLAIKIE: In August 1984 the figure we were looking at was \$1.5 million, according to the Minister. The Opposition has jumped up and down and said, "You are not being fair, you will disrupt the service". The figure has reduced from \$3 million to \$1.5 million. After September we are back to \$1 million. I am quite certain, on this performance, we may get that \$1 million erased completely, and perhaps the Minister will be a little more understanding.

Mr Pearce: That is rubbish. The Transport Commission said that if one goes to open tender one can save \$3 million. The bus contractors said originally that they wanted to go to open tender. We brought up the cost saving; they all agreed, and it was set at \$1.5 million.

Mr BLAIKIE: Notwithstanding what the Minister is saying about the road transport—

Mr Pearce: That is the truth of it.

Mr BLAIKIE: The Minister for Education, not the Transport Commission, is responsible for the transport of school children.

Mr Pearce: That is right.

Mr BLAIKIE: It never has been.

Mr Pearce: That is why I have attended the negotiations myself.

Mr BLAIKIE: The Minister uses the Transport Commission as his lever to reduce the service.

Mr Pearce: It was your Government which asked the Transport Commission to produce that report.

Mr BLAIKIE: It did not act on it.

Mr Pearce: It was going to.

Mr Carr: It was too close to the election.

Mr Pearce: It was held over till after the election.

Mr BLAIKIE: I want to make the point quickly that the Transport Commission compiled the report. The report was received by the O'Connor Government. The O'Connor Government did not act on the report.

Mr Pearce: They did not reject it.

Mr BLAIKIE: The Burke Government is acting on the report, that is the difference.

I want quickly to go back to the record of safety of the school bus service in Western Australia. The school buses in Western Australia are good buses.

Mr Pearce: They are very profitable.

Mr BLAIKIE: They receive good rates; I do not deny that. We have a good quality service with good quality buses; in fact, I believe that the quality of our operators and of the service is second to none in Australia. I was one of those parents with family involved in the Hay bus accident. I never want to see a service depleted to that sort of level. Admittedly, it was a private service.

Mr Pearce: Funny you should say it was a private service.

Mr BLAIKIE: It was licensed by the State authority of South Australia. I have not seen school buses operating in Western Australia in anywhere near the dilapidated state of those buses in South Australia.

Mr Pearce: I have already cancelled three contracts as a result of poor safety standards, and I will cancel any others.

Mr BLAIKIE: I commend the Minister for his action, because I believe that safety is one of the most crucial factors. It is certainly a factor I want to look at when I think of this Hay bus accident.

I will quote what the Minister said in his Press release on 28 August.

Mr Pearce: Perhaps you will table it.

Mr BLAIKIE: Mr Pearce said that the Government's obligation in the negotiations was to taxpayers.

Mr Pearce: That is right.

Mr BLAIKIE: I believe that the Minister's first obligation towards school bus transport is to the safety of the children concerned.

Mr Pearce: We have examined the standards, but we are talking there about the level of profit.

Mr BLAIKIE: I am talking about the level of safety.

Mr Pearce: We were concerned about the level of profit and the level of safety. We will maintain the level of safety, and the level of profit can be negotiated.

Mr BLAIKIE: I believe the level of profit is very important and it is tied up with the level of safety.

Mr Pearce: How much profit was the operator running the Hay bus making?

Mr BLAIKIE: I have a concern for the quality of the performance of our school buses. I have already indicated we have a first-rate service. What the Minister will do with this 5 per cent—that is what we are talking about, or the \$1 million to be saved—is to apply the saving to all bus operators in Western Australia.

Mr Pearce: Some will have more.

Mr BLAIKIE: Some will have more and some less. It will create a third-rate service and it will lead to the creation of a service which will diminish the safety margin we have had. I believe safety will be at risk. Some operators will reduce their services, and I believe others will reduce their maintenance.

Mr Pearce: They will lose their contracts if they try.

Mr BLAIKIE: The Minister said that under the system he was looking at, 20 per cent of the operators would be better off, and some 20 per cent would be worse off, so one can assume the latter 20 per cent would have to reduce their level of service.

Mr Pearce: They would have to reduce their level of profit to the same level as everyone else.

Mr BLAIKIE: It will affect the operators.

In my area I have one particular operator, and I invite the Minister to look at the figures I have here, prepared by chartered accountants. The operator is Mr W. H. Curtis. He is reputed to have



one of the most profitable services in the area. The service runs from Augusta to Busselton, and it looks as if he will be down by \$65 or \$70 a day. I do not believe he can operate the type of services expected of him with all the safety factors I have indicated. I shall be making personal representations to the Minister.

Members must support the motion moved by the Opposition. The Government should withdraw the reduction of \$1 million to school bus operators and let them operate on a more satisfactory and positive basis.

#### *Adjournment of Debate*

**MR TUBBY** (Greenough) [10.26 p.m.]: I move—

That the debate be adjourned.

Motion put and negatived.

#### *Debate (on motion) Resumed*

**MR MacKINNON** (Murdoch—Deputy Leader of the Opposition) [10.27 p.m.]: I would like to make a point on this issue. This motion has been listed, as the Minister well knows, under private members' business for today. We in the Opposition parties traditionally, as the Minister would know from when he was in Opposition, have the right to determine what motions are debated and for how long and when. It is our desire to adjourn this debate to allow another speaker on this issue next week. It is out of order for the Minister to try, just for his own ease and peace of mind, to move the motion up the notice paper.

The **DEPUTY SPEAKER**: The matter currently before the House is the motion we have been debating for some time now which was moved by a member of the Opposition. Should the Deputy Leader of the Opposition wish to pursue the course, he is now taking, there are avenues open to him so to do. But if he intends not to move a motion, he should speak to the matter before the Chair.

**Mr MacKINNON**: I thank you for your guidance. That is what I was doing. I was speaking to the matter before the Chair and trying to indicate that we on this side of the House, because of the procedures which are well established in the Parliament, do not wish this matter to be put to the vote, but wish to enable other members to speak on the motion in due course.

The **DEPUTY SPEAKER**: I am sorry, I did not make myself clear. The matter to which the member refers again now has already been voted on. The matter before the Chair is the motion moved by the member for Karrinyup.

#### *Point of Order*

**Mr MacKINNON**: On a point of order, I do not understand that to be the case. We were debating, as I understand it, Order of the Day No. 25. The question was put and I am seeking to speak on the motion because it was moved that the debate be adjourned and we did not agree to that.

We do not agree with that, and I am seeking to continue the debate on Order of the Day No. 25. If that is not possible, and if the motion has not been put, I would like to call for a division on the matter, for the reasons I have already outlined.

**Mr Gordon Hill**: A bit late.

The **DEPUTY SPEAKER**: The Deputy Leader of the Opposition was not in his chair, and I understand his problem. However, the member for Greenough moved an adjournment motion which I put and which was voted on. The Deputy Leader of the Opposition must address the matter before the Chair. He must address himself to the motion moved by the member for Karrinyup.

**Mr MacKINNON**: You are saying, Sir, that I should speak to the motion which is Order of the Day No. 25?

The **DEPUTY SPEAKER**: Yes.

**Mr MacKINNON**: That is what I am endeavouring to do.

#### *Debate (on motion) Resumed As to Adjournment of Debate*

In relation to the motion, I now move—

That the debate be adjourned.

The **DEPUTY SPEAKER**: If the member addresses himself to the rules of debate, he will find that someone else can move that motion, but only in 15 minutes' time.

#### *Debate (on motion) Resumed*

**Mr MacKINNON**: It is passing strange that the Minister would want to continue debate on this matter, for the reasons that were outlined ably by the member for Vasse. The member indicated quite clearly to the Minister the reasons for his opinion that the matter is of great concern to people in country areas.

**Mr Pearce**: Why will he not speak about it, then?

**Mr MacKINNON**: The Minister seems to think that all of this comes back to his assessment of what is profitable for a school bus contractor. What qualifications do the Minister or his officers have to determine whether a school bus contractor will be profitable or otherwise? Quite clearly, the member for Vasse indicated that people do not

believe they have been given proper treatment by the Minister or his department.

In fact, the member for Vasse has just passed me a memo under the heading of the West Australian Road Transport Association (Inc) dated 19 September in which the following appears—

In response to our representations, the Minister agreed to call a halt to the implementation of the new system until we have the opportunity of surveying our membership.

I understand from the member for Vasse that many of the members of this association have made representations to him, the member for Mt. Marshall, the member for Greenough, and many other members on this side of the House because they are not happy with the representations made to the Minister.

I ask the Minister whether he or any of the people in his department have had to suffer a reduction on their wages or salaries of five per cent.

Mr Pearce: The Government reduced mine by 12 per cent.

Mr MacKINNON: Permanently?

Mr Pearce: It will not be permanent.

Mr MacKINNON: The people of whom I am speaking will suffer a permanent reduction.

Mr Pearce: If you knew anything about this, you would be aware that the industry agreed to that reduction as a trade-off for open contracts.

Mr Blaikie: Only after you threatened them.

Several members interjected.

The DEPUTY SPEAKER: Order! This debate is degenerating into something dreadful. I am just grateful there are only two people in the gallery and not 200.

Mr Laurance interjected.

The DEPUTY SPEAKER: That interjection is precisely the reason I rose to my feet. Having made the sort of comment I just made, I do not expect to hear that sort of interjection again before my bottom hits this chair.

Mr MacKINNON: I repeat the point made by interjection by the member for Vasse in answer to the Minister when he indicated that it is hardly a negotiating point that the Minister says to the school bus contractors, "You have two choices, the devil and the deep blue sea. You must agree to the proposal that I have put before you, which will destroy your livelihood". The member for Vasse has already indicated that these people paid a fair amount of money for their businesses. They paid

for goodwill. The Minister knows that in many cases the goodwill would be in excess of \$30 000 or \$40 000. Initially, the Minister said to those people, "Right, you have two options—the \$30 000 or \$40 000 you paid for the business and the goodwill goes straight out the door because I will throw open this system to tender and anybody who wants to can come along and cut the ground from underneath your feet. You will not be able then to protect the investment you have made. The lifetime career you have invested in will vanish before your eyes". That was the point worrying the school bus contractors who contacted the shadow Minister for Education (the member for Karrinyup), the member for Mt. Marshall, and the member for Vasse. The school bus contractors had no alternative.

Mr Blaikie: It is also very interesting that on the first round of negotiations the Minister was going to rip \$3 million to \$4 million from them. That was reduced to \$1.5 million, and now it is down to \$1 million, so the Minister has been retreating.

Mr MacKINNON: That is the traditional pattern that the Government uses. I guess that comes from the union background of the Government, in which ambit claims are made. The Minister comes in with a great threat hanging over the heads of the school bus contractors, makes the threat, and pulls back to a position down the line, which the school bus contractors accept, but only because they have no alternative. They have no alternative but to accept a godfather-type offer.

The Minister has said to the school bus contractors in Western Australia, "You now will have to provide for a one-off five per cent cost saving to the Government". Let us look at that. I ask the Minister how many people in Western Australia in the last 12 months have suffered a permanent five per cent reduction in their salaries? We know from the Budget papers that the rate of inflation in the last 12 months has been of the order of 5 per cent, so it is not a question of a five per cent cost saving. It is an income cutting exercise for those people.

A school bus contractor is no different from any other worker or employee who has his income cut back. You and I, Sir, faced a 10 per cent cut in our salaries. If your income and expenditure patterns were like mine, that meant that you had to reduce your expenditure pattern.

Mr Blaikie: I wonder how the Minister would have performed if the negotiator for the school bus contractors had been Mr Norm Gallagher.

Mr Pearce: There was a suggestion that they join the Transport Workers' Union. I do not know what happened to that.

Several members interjected.

The DEPUTY SPEAKER: This is all very nice, but if you two members want to have this conversation, perhaps you could have it behind the Chair. The Deputy Leader of the Opposition is endeavouring to make a speech.

Mr MacKINNON: When one's income is cut back, one's expenditure must also be cut back.

Mr Pearce: We will concede. Sit down and adjourn the debate. Come back next week with one of your speakers who knows what he is talking about.

Mr MacKINNON: I would rather make a few more points.

Mr Pearce: You are just making a fool of yourself. Some of your members know more about the matter than you do.

Mr MacKINNON: I am just trying to reiterate the very important point made by the member for Vasse in relation to the school bus contractors. In this instance, the danger is that if the school bus contractors try to save costs in running their buses, they could well place the students at risk. That is a valid criticism.

Mr Pearce: We will make sure that does not occur.

Mr MacKINNON: How will the Government ensure that does not occur?

Mr Pearce: Because I have a number of bus inspectors, and every bus that does not meet the safety criteria will be put off the road and the contract will be cancelled.

Mr MacKINNON: How often do the bus inspectors inspect the buses?

Mr Pearce: They are inspected every term, and more frequently if there are complaints. Three contracts have been cancelled in my time as Minister for not adhering to safety standards.

Mr MacKINNON: I am pleased to have that statistic. It is my understanding that the number will probably rise considerably in the foreseeable future.

Mr Pearce: If we have to do that to maintain safety standards, we will do it.

Mr MacKINNON: That will be a clear indication by the Minister that he has made a mistake. He has cut back a vital area for the school bus contractors.

As I have indicated, it is of concern to the Opposition parties that the Government is trying, summarily and arbitrarily, to impose upon the school bus contractors this cut in income. As I understand it, no independent arbitrator has had a look at the system of school bus contracts to deter-

mine the level of income they should attract. No other worker in the community would have his income dropped back without an independent party determining whether his income was fair or otherwise. In this instance, the employer—the Education Department—and the Transport Commission have made an assessment that school bus contractors are earning too much.

The cuts have not been justified by the Minister or any independent party. That is why the member for Karrinyup moved the motion on 22 August, and that is why members on this side of the House wish to continue to pursue the matter.

Mr Pearce: For another two minutes at least.

Mr MacKINNON: Concern has been expressed by members on this side of the House. It is a bit like the land rights issue; some members of the community are extraordinarily concerned about the matter. In fact, I was in Bunbury six weeks ago and people approached me about the matter. I will go down there again in two weeks, and I will be talking to people about bus contracts then.

The facts are quite clear. The action taken by the Minister in relation to school bus contractors has not been widely accepted by them. Neither has it been accepted by the Opposition parties, and we will continue to represent the school bus contractors' views very actively, both within the Parliament and without, in an effort to ensure they are given proper consideration by the Government of the day, realising that the Government will very soon be us when we are returned to power.

I have great pleasure in supporting the motion moved by the member for Karrinyup.

#### *Leave to Continue Speech*

I seek leave to continue my remarks at another sitting.

Leave granted.

Debate thus adjourned.

#### **BILLS (3): RETURNED**

1. Racing Restriction Amendment Bill.
2. Child Welfare Amendment Bill (No. 2).
3. Youth, Sport and Recreation Repeal Bill.

Bills returned from the Council without amendment.

#### **REAL ESTATE AND BUSINESS AGENTS AMENDMENT BILL**

##### *Receipt and First Reading*

Bill received from the Council; and, on motion by Mr Carr (Minister for Local Government), read a first time.

*House adjourned at 10.48 p.m.*

## QUESTIONS ON NOTICE

### HEALTH: HOSPITALS

#### Operations

1027. Mr TRETHOWAN, to the Minister for Health:

- (1) In each of the public teaching hospitals—
  - (a) Royal Perth Hospital;
  - (b) Fremantle Hospital; and
  - (c) Queen Elizabeth II Medical Centre,

what are the numbers of patients currently on waiting lists for operations in the following specialities—

- (i) ear, nose and throat;
- (ii) orthopaedic;
- (iii) plastic surgery;
- (iv) general surgery?

- (2) What were the numbers of patients on the equivalent waiting lists 12 months ago?

Mr HODGE replied:

#### WAITING LISTS FOR PUBLIC TEACHING HOSPITALS (Parliamentary Question No. 1027)

Hospital	No. of Patients Waiting for Admission Pre-February 1984	Waiting Lists (Weeks) Pre-February 1984	No. of Patients Waiting for Admission August 1984	Waiting Lists (Weeks) August 1984	Hospital Comments
<b>ROYAL PERTH</b> Ear, Nose and Throat	(Aug 1983) 95	(Jan 1984) 13-52	(Aug 1984) 406	(Aug 1984) 24-52	Non time-critical surgery adjusted for patients with higher clinical priority in other specialities. Reduced number of waiting patients. Admitted according to clinical priority. Increase in aged population requiring multiple use of Theatres, reducing available Theatre time.
Orthopaedic	196	0-13	153	4-13	
Plastic Surgery	354	N/A	371	N/A	
General Surgery	58	8-13	222	8-13	
<b>S.C.G.H.</b> Ear, Nose and Throat	(Dec 1983) 91	(Jan 1984) 12-16	(Aug 1984) 94	(Aug 1984) 12-16	No change in number of waiting patients. Non emergency surgery carried out at Repatriation Hospital. Non time-critical surgery adjusted for patients with higher clinical priority in other specialities. No significant change in number of people waiting.
Orthopaedic	—	—	—	—	
Plastic Surgery	106	N/A	227	N/A	
General Surgery	99	8	115	8-10	
<b>FREMANTLE</b> Ear, Nose and Throat	(Jan 1984) 134	(Jan 1984) 16-56	(Sept 1984) 270	(Sept 1984) 52-104	Increased number of Outpatient Occasions of Service; no change in inpatient admissions. No change in number of waiting patients. Admitted according to clinical priority. Reduced number of waiting patients.
Orthopaedic	128	8-36	128	26-52	
Plastic Surgery	154	N/A	195	N/A	
General Surgery	134	N/A	89	4	

The extent of the waiting list varies on a daily basis due to:

- patients who wish to defer surgery due to personal reasons;
- patients whose condition requires a waiting period e.g. orthopaedic patients who must wait some months after the initial fracture prior to surgical removal of artificial re-inforcements;
- according to availability of individual medical specialists;
- according to popularity of individual medical specialists;
- the number of persons with a particular condition;
- temporary closure of wards (beds) due to infection control procedures;
- the number of emergency admissions;
- closure of facilities for maintenance programmes.

### PASTORAL INDUSTRY: LEASE

#### Mt. Anderson: Compensation

1044. Mr RUSHTON, to the Minister for Lands and Surveys:

- (1) (a) Has compensation been paid to Mr and Mrs Blair over the loss of Mt. Anderson Station after they had won the open tender and the Government subsequently awarded the station to the Aboriginal Development Commission;
- (b) if "No", has agreement been reached over the amount of compensation to be paid?
- (2) If agreement has not been reached, will an independent arbitrator be appointed as proposed by the Government?

- (3) Will the Government fund part of the compensation to be paid?

Mr McIVER replied:

- (1) (a) No;
- (b) no.
- (2) Negotiations in this regard are in course.
- (3) No.

### TRADE: EXPORTS

#### Live Sheep: Albany

1056. Mr OLD, to the Minister for Transport:

- (1) With regard to the increase in live sheep exports through the Port of Albany, what action has the Government taken to encourage this trade developing through Albany?

- (2) Is the Government intending to ensure that an increasing proportion of this trade is channelled to Albany?
- (3) Has any attempt been made by the Fremantle Port Authority, or any officer of the authority, to prevent the transfer of portion of this trade from Fremantle to the Port of Albany?
- (4) Does the Government favour the transfer of a portion of this trade from Fremantle to Albany?

Mr GRILL replied:

- (1) There have been no live sheep exports from Albany since 1982-83. Discussions have been held recently with the WA Livestock Exporters' Association on the export of live sheep from Albany. The association indicated that additional costs are incurred if sheep are exported from Albany instead of Fremantle. These costs stem mainly from the extra steaming time involved. In an attempt to reduce the cost difference of exporting sheep from Albany, the wharfage rate at Fremantle has been increased by 5c per head to 20c from 1 October and will increase a further 5c on 1 July 1985.
- (2) While the Government is optimistic that occasional shipments of live sheep will continue from Albany, it is not in a position to ensure that a proportion of this trade is channelled to Albany or any other port for that matter. Any steps taken by the Government in an attempt to force exporters to use regional ports could well result in the trade being lost to the Eastern States.
- (3) Not to my knowledge.
- (4) Yes.

1061. *Postponed.*

## ROAD

### *Norseman-Perth*

1070. Mr HASSELL, to the Minister for Transport:

- (1) What current consideration is being given to the development of a new major highway between Norseman and Perth?
- (2) What route is favoured by the Government?

Mr GRILL replied:

- (1) and (2) No current consideration is being given to development of a new major highway between Norseman and Perth. Existing routes from Norseman via Great Eastern Highway and Norseman via Esperance provide reasonable alternatives for present needs.

Many competing suggestions have been put forward; however, before development of an additional route a major corridor study would be required.

## EDUCATION: TECHNICAL AND FURTHER EDUCATION

### *Officer: Eastern Wheatbelt*

1071. Mr HASSELL, to the Minister for Education:

- (1) Is there a technical and further education officer based in the eastern wheatbelt region?
- (2) Is it fact that it was agreed some years ago that such an officer would be based in the region?
- (3) What plans are in hand for this to be done?

Mr PEARCE replied:

- (1) Not at present.
- (2) Plans were made, but not implemented by the previous Liberal Government.
- (3) The Budget provides for a full-time TAFE extension officer based at Kellerberrin from the beginning of 1985.

## LIQUOR: LICENCES

### *Moratorium: Transfers*

1072. Mr HASSELL, to the Minister representing the Minister for Administrative Services:

Has any expression of concern been conveyed to the Minister that the moratorium on the granting of liquor licences will result in country areas being denuded of licensed premises on the basis that it is more profitable for those licences to be purchased and transferred to the metropolitan area?

Mr PEARCE replied:

No.

**TRANSPORT: RAILWAYS***"Prospector" Service: Bookings*

1073. Mr HASSELL, to the Minister for Transport:

- (1) What arrangement has been made by Westrail for the booking of tickets on the *Prospector* following the cessation of station master services some three months ago at Tammin?
- (2) Is he aware that local people are unsure of arrangements and that as a result Westrail may be missing business otherwise available to it?
- (3) Is he further aware of reported cases of people seeking to make bookings and being refused in respect of trains which are not fully laden?
- (4) Will he investigate the situation and seek to advise local people in Tammin by advertisement or otherwise of precisely the arrangements which apply and ensure that marketing of Westrail services is effectively carried out in Tammin?

Mr GRILL replied:

- (1) The station master will not be withdrawn from Tammin until 19 October and the station has not been unattended for the past three months as suggested by the member.

After 19 October a mobile operations officer located at Kellerberrin will attend to customer service and operational requirements in the Tammin area.

Tammin residents will be able to arrange bookings on the *Prospector* by telephone at local call rates to Northam, Merredin or Perth or through Westrail's ticket agencies at Cunderdin and Kellerberrin. Unfortunately the volume of business at Tammin does not warrant appointment of a ticket agency.

- (2) No. The local authority has been aware of the proposed arrangements for some time now and has expressed satisfaction during a recent interview with Westrail's sales representative and district officer.
- (3) No. *Prospector* seats empty at Tammin are those required for passengers already booked further along the line. If empty seats are available for the complete journey to be undertaken those will be allocated on application.
- (4) I have been assured that the new arrangements will be promulgated in the

local Press prior to withdrawal of the station master and I am confident that Westrail's mobile operations officer will ensure that marketing of Westrail services is effectively carried out in the area.

**EDUCATION: TERTIARY***Beazley Inquiry: Recommendations*

1074. Mr HASSELL, to the Minister for Education:

- (1) Have any of the recommendations of the Beazley inquiry been put aside as—
  - (a) incapable of implementation; or
  - (b) not to be implemented?
- (2) If so, what are those recommendations?
- (3) In respect of those recommendations where a decision has been made that they should not be implemented, what are the reasons for those decisions?

Mr PEARCE replied:

- (1) to (3) No, though in the process of implementation some changes are being made to specific recommendations.

**EDUCATION: TEACHERS***Removal*

1075. Mr HASSELL, to the Minister for Education:

What procedures must be followed for the removal of—

- (a) a staff teacher; or
- (b) a principal;

from a school where there is a parental dissatisfaction with the performance of that teacher?

Mr PEARCE replied:

- (a) and (b) When a formal complaint is made the procedures to be followed are those detailed in regulation 135.

If there is no formal complaint the department encourages discussion and conciliation to resolve any problems.

**LAND: VALUATIONS***Valuer General: Obligations*

1076. Mr HASSELL, to the Treasurer:

- (1) What are the statutory obligations of the Valuer General in relation to the main-

tenance of current valuations of land for purposes of rates and taxes?

- (2) Is the Valuer General under an obligation to require full-scale revaluation in a district or shire area where there has been no significant overall change in valuation?
- (3) In requiring a general revaluation, does the Valuer General take into account the cost burden to a shire of paying its proportion of the cost of the general revaluation?
- (4) Where the Valuer General is satisfied that there has been no overall change of significant proportions in valuations in an area although there may have been significant changes in the values of individual properties, is he able to proceed without requiring a general revaluation at the expense of the local authority?

Mr BRIAN BURKE replied:

- (1) Section 22 of the Valuation of Land Act requires the Valuer General to ensure that, as far as is practicable, the valuations comprising a general valuation shall at all times be accurate and up to date. General valuations are carried out at such times as determined by the Valuer General.
- (2) No.
- (3) While conscious of the cost to a shire, the primary consideration is the necessity for a revaluation.
- (4) Yes.

#### ROADS: COMMONWEALTH FUNDS

##### *Allocations: Percentage*

1077. Mr McNEE, to the Minister for Transport:

- (1) In each of the last seven years, what has been the proportion of Commonwealth road funds allocated to Western Australia expressed as a percentage?
- (2) As Commonwealth road funding to Western Australia has declined proportionately, what compensatory payments towards State roads have been made from State financial resources?
- (3) (a) Is he concerned about the continuing decline in Western Australia's proportion;  
(b) if so, what action has he taken?
- (4) What is likely to occur in 1985-86 as a result of the implementation of current

recommendations from the Bureau of Transport Economics?

Mr GRILL replied:

- (1) Excluding payments on account of natural disasters and specific works for Commonwealth authorities, the percentage of funds allocated to Western Australia in comparison with the total funds available in Australia from road grants and ABRD funds was 12.7 per cent in 1978-79 and, from 1979-80 to 1984-85 inclusive, it was 12.3 per cent. This reduction was due to the inclusion of the Northern Territory.
- (2) During the period 1978-79 to 1981-82 the State increased its proportion of total funds from 46.8 per cent to 51 per cent as an offset against the declining proportion of Commonwealth funds to the State. With the advent of the Australian bicentennial road development programme in 1982-83 there was a sharp increase in Commonwealth funds so that the State's proportion has now reduced to 40.5 per cent.
- (3) I am concerned at the decline in Western Australia's proportion of total Commonwealth funds but there has been no change since the Burke Government was elected.

My efforts will be directed towards increasing the State's share, and at least maintaining the present proportion of funds.

- (4) All States and the Commonwealth will have detailed discussions on replacement legislation for the Road Grants Act which expires in June 1985. The recent report of the Bureau of Transport Economics and the NAASRA roads study will be useful input into those discussions.

1078 and 1079. *Postponed.*

#### CHARITABLE ORGANISATION: ANGLICAN HOMES (INC)

##### *Aged Persons: Retirement Homes*

1080. Mr HASSELL, to the Minister representing the Attorney General:

- (1) Has the Attorney General received representations from Anglican Homes (Inc) concerning the effect of the Companies (Western Australian) Code on its

ability to provide retirement accommodation for elderly persons at a reasonable cost and solely for the benefit of those persons and not for profit?

- (2) (a) When did the Attorney General receive those representations and has he responded;
- (b) if "Yes", in what terms;
- (c) if "No", what action has he taken to facilitate this request and when can a response be expected?
- (3) Does his Government support the work of Anglican Homes (Inc) and like organisations?
- (4) Is the Attorney General aware of a claim by Anglican Homes (Inc) that they will be unable to provide low cost accommodation for the aged unless the effects of the code are mitigated through the granting of exemptions?
- (5) Can the Attorney General say why there has been no response to an application for exemption made to the Corporate Affairs Office 18 months ago?

Mr GRILL replied:

- (1) Yes, on 22 August 1984.
- (2) (a) and (b) An interim response was forwarded on 25 September 1984. A final response will be forwarded as soon as possible;
- (c) the Commissioner for Corporate Affairs will be in a position to advise the Attorney General within the next few weeks.
- (3) Yes.
- (4) Yes.
- (5) It is not correct to say that there has been no response to an application for exemption made to the Corporate Affairs Office 18 months ago. The applicant's solicitors were advised that no exemption would be granted until policy issues had been considered and settled. This is under way.

#### SHOPPING: TRADING HOURS

##### *Fremantle: Special Arrangements*

1081. Mr HASSELL, to the Minister representing the Minister for Industrial Relations:

- (1) Are special trading hours arrangements currently operating, either generally or

specifically, in relation to particular shops within the City of Fremantle?

- (2) If so—
  - (a) what are those arrangements;
  - (b) who requested them;
  - (c) what is the duration of them?

Mr PARKER replied:

- (1) No.
- (2) (a) to (c) Not applicable.

#### STATE FINANCE: CONSOLIDATED REVENUE FUND

##### *Inflation Rate: Estimate*

1082. Mr HASSELL, to the Treasurer:

- (1) In framing the 1984-85 Budget, what estimated rate of inflation has been used?
- (2) What was the origin of the estimate?

Mr BRIAN BURKE replied:

- (1) An increase of 5.5 per cent has been assumed in the Consumer Price Index between the June quarter 1984 and the June quarter 1985.
- (2) State Treasury.

#### SHOPPING: TRADING HOURS

##### *Merlin Hotel: Special Arrangements*

1083. Mr HASSELL, to the Minister representing the Minister for Industrial Relations:

- (1) What special trading hours arrangements have been made or approved for shopkeepers at the Merlin Hotel?
- (2) What is the duration of those arrangements, if any?
- (3) Who requested those arrangements, if any, and why were they made?

Mr PARKER replied:

- (1) One special permit has been issued; also small shop certificates have been issued to eligible traders in accordance with section 88 of the Factories and Shops Act.
- (2) Permanent, unless conditions of permit or certificates are breached.
- (3) In respect to the permit, application was made by an occupier—Goldstone Nominees Pty. Ltd.—to the Retail Trade Advisory and Control Committee for extended trading hours to service the



guests of the hotel. This is in line with permits issued to occupiers of shops in other international class hotels.

In respect to the small shop certificates, occupiers of the various shops made individual application in accordance with the requirements of section 88 of the Factories and Shops Act.

#### MOTOR VEHICLES: COMMERCIAL

##### *Used Vehicles: Warranties*

1084. Mr BATEMAN, to the Minister representing the Minister for Consumer Affairs:

- (1) As there appears to be a warranty guarantee placed on all passenger vehicles sold by used car firms to the general public, is there a similar warranty regulation applying to commercial vehicles, such as four-wheel drive vehicles, utilities, panel vans, etc?

(2) If not, why not?

Mr TONKIN replied:

- (1) In terms of section 34 of the Motor Vehicle Dealers Act, the level of warranties to be given by motor vehicle dealers when selling secondhand vehicles—other than certain exempted vehicles—depends on the selling price of the vehicle concerned—

up to \$750, no warrant applies;

\$751-\$1 499, a warranty of 3 000 km or 2 months, whatever event first occurs;

\$1 500 and over, a warranty of 5 000 km or 3 months, whatever event first occurs.

The used car warranties under the Act apply to passenger cars and also to utilities and panel vans.

These warranties apply regardless of whether the vehicles are used for private or commercial purposes.

The vehicles exempted from these warranty provisions include four-wheel drive vehicles.

- (2) Four-wheel drive vehicles are exempted from the warranty provisions of the Act because, unlike normal passenger vehicles, they may be expected to be subjected to a wide range of rough usage in their off-road capacity.

#### LIQUOR: BEER

##### *The Swan Brewery Co. Ltd.: Price*

1085. Mr BATEMAN, to the Minister representing the Minister for Consumer Affairs:

(1) Is it fact that—

(a) the Swan Brewery has increased its price of beer five times in the past 12 months;

(b) there have been only two wage adjustments to brewery employees in the past 12 months?

(2) Did the Minister see the statement in the *Daily News* of 22 August 1984 that, "The 1 September wage increases are to bring members of the Liquor and Allied Industries Employees' Union into line with other States"?

(3) Is it fact Swan beer is still 10c dearer per glass of beer than any other State in Australia, even including the north of Queensland?

(4) If "Yes" to (1), (2) and (3), how can the Government allow a similar price rise for exactly the same reasons as outlined in the *Weekend News* of 6 October, 1984?

(5) Will the Minister also state why the Swan Brewery has been allowed to deviate from the wages and prices accord?

(6) (a) In view of the current attitude of the Swan Brewery, will the Minister ensure action is taken to bring its price of beer into line with all other States of Australia;

(b) if not, why not?

Mr TONKIN replied:

(1) (a) No;

(b) yes.

(2) Yes.

(3) No.

(4) Not applicable.

(5) See (1) above—I am not aware of any such deviation.

(6) (a) and (b) No, the wholesale price of beer in Western Australia is cheaper than New South Wales, Victoria and Queensland. It is also comparable with South Australia.

**POLICE: FEDERAL***Port Hedland*

1086. Mr HASSELL, to the Minister for Regional Development and the North West:

- (1) Is he aware of the need for additional Federal police at Port Hedland?
- (2) What is the extent of the need for additional Federal police for surveillance duties at Port Hedland?
- (3) As the Federal Government has refused to acknowledge the needs of Port Hedland, is the State Government proposing to do so?

Mr GRILL replied:

- (1) to (3) The Australian Federal Police service Port Hedland on a needs basis. At present this includes weekly international flights and occasional investigations by detectives. It is understood that this matter is continually under review.

The need for coastal surveillance has been discussed between the State Government and the responsible Federal authorities. Both Port Hedland and Broome were considered as the regional co-ordination centre for the coastal protection unit of the Australian Federal Police. Broome was jointly selected, as the littoral surveillance flight services are based at Broome, as are federally funded fisheries inspectors and Department of Transport staff. Port Hedland was seriously considered and it can be expected that the area will be visited by Australian Federal Police for coastal surveillance purposes at regular intervals.

**EDUCATION: PRE-PRIMARY***Centres: Leased*

1087. Mr TUBBY, to the Minister for Education:

- (1) How many buildings are leased by the Education Department for use as pre-primary centres in country areas?
- (2) Would he please provide a list and the cost of lease for each centre and the date when each lease expires?
- (3) Would he please explain the arrangements for determining a suitable lease?

- (4) (a) Is it the policy of the department to provide its own pre-primary centres on school grounds;
- (b) if "Yes", when does he anticipate this aim to be fully completed?

Mr PEARCE replied:

- (1) 81.
- (2) Please refer to the attached list.
- (3) A lease is arranged after mutual agreement is reached between the Education Department and the owner of a building over the length of the lease and the annual rental. Rental valuations are given by the Valuer-General's Office.
- (4) (a) Pre-primary centres are established with each new primary school built and, subject to the availability of funds, at other schools where there is a need to provide additional places for pre-primary children;
- (b) no target date is set for the completion of this programme.

**List of Leased Pre-primary Centres in Country areas.**

Pre-Primary Centre	Cost of Lease (Annual Rental) \$	Lease Expiry Date
Adam Road (Bunbury)	1 250	30/5/87
Allendale (Geraldton)	1 000	29/11/89
Avonvale (Northam)	40	Renewed annually
Baler (Port Hedland)	1 000	22/4/89
Ballidu	Peppercorn	Renewed annually
Boulder	Peppercorn	31/12/87
Bridgetown	500	3/2/85
Broome	750	31/12/92
Broomehill	200	31/12/87
Busselton	750	8/3/86
Carey Park (Bunbury)	500	1/1/86
Carnamah	25	1/4/89
Carnarvon	1 100	1/1/86
Chapman Valley	600	1/1/86
Cooinda (Bunbury)	Peppercorn	30/5/87
Cooke Point (Port Hedland)	750	14/11/87
Coorow	100	31/12/87
Cranbrook	300	Renewed annually
Dalwallinu	500	31/12/87
Dampier	2 500	1/1/86
Dowerin	145	18/12/86
Dumbleyung	500	Renewed annually
East Narrogin	200	30/5/86
Eaton	750	26/1/86
Esperance	1 000	1/1/86
Geraldton	987.44	2/7/88
Gnowangerup	600	16/12/85
Karridale	Peppercorn	Renewed annually
Kellerberrin	500	25/3/89
Kondinin	300	31/12/88
Koorda	300	31/12/87
Kukerin	225	31/12/88
Lake Grace	300	18/3/92
Latham	150	25/9/87
Laverton	1 000	31/12/86
Mandurah	Nil	31/12/86
Manjimup	520	3/4/85
Marble Bar	Nil	31/12/86
Meekatharra	200	25/5/87
Moora	1 000	31/12/87
Morawa	600	1/1/86
Mt Barker	Peppercorn	1/1/86
Mt Magnet	Peppercorn	31/12/87
Mt Taroona	750	31/12/83
Mukinbudin	500	31/12/87
Mundijong	450	31/12/88
Norseman	1 250	11/9/86
North Kalgoorlie	819.52	30/6/88

Pre-Primary Centre	Cost of Lease (Annual Rental)	Lease Expiry Date
	\$	
Norham	500	1/4/89
Northampton	400	9/9/88
Nungarin	220	Renewed annually
Onslow	100	28/5/88
Paraburdoo	1 000	2/2/87
Pemberton	520	3/2/88
Pingelly	550	1/1/86
Pingrup	300	3/2/88
Quairading	25	1/1/86
Ravensthorpe	750	31/12/88
Rocky Gully	100	1/1/86
Roeboorne	750	31/12/88
South Bunbury	50	13/5/87
South Hedland	750	11/9/87
South Merredin	600	31/12/85
Southern Cross	500	28/2/85
Spencer Park (Albany)	Nil	31/12/86
Tammin	738	Renewed annually
Toodyay	750	28/5/88
Trayning	400	9/7/88
Wagin (Unit 1)	Peppercorn	2/2/87
Wagin (Unit 2)	780	2/2/87
Walkaway	150	Renewed annually
Walpole	200	5/2/87
Waroona	650.18	27/8/86
West Kambalda	300	15/12/86
West Northam	500	23/3/85
Wickepin	500	31/12/87
Wongan Hills	750	2/2/86
Wundowie	400	14/3/87
Wyalkatchem	600	31/12/84
Yeracooin	300	31/12/85
York	Nil	Renewed annually

## ENERGY: ELECTRICITY

### Bonds: Interest Rate

1088. Mr TUBBY, to the Minister for Minerals and Energy:

- (1) Is it fact that an interest rate of only 5 per cent is paid on financial bonds lodged with the State Energy Commission when businesses are connected with power?
- (2) Why is the interest rate so low?
- (3) Is any consideration being given to increasing the interest rate?

Mr PARKER replied:

- (1) No.
- (2) Not applicable.
- (3) Not applicable.

## TRANSPORT: FREIGHT

### Grain: Contract

1089. Mr RUSHTON, to the Minister for Transport:

- (1) Will he please table a copy of the grain contract between the grain committee and Westrail when it is completed?
- (2) When is the contract expected to be finalised?
- (3) What is the estimated total tonnage of grain expected to be harvested in Western Australia this year?

(4) What tonnage of grain is expected to be carried this year by—

- (a) rail;
- (b) road?

(5) What special arrangements have been made to ensure the satisfactory transport of the expected record grain harvest this season?

(6) What storage capacity will be available at the ports when the season starts?

Mr GRILL replied:

- (1) Provided the parties concerned have no objection I will table the document.
- (2) Although a firm date is not available early completion of grain contract can be anticipated.
- (3) 7.6 million tonnes.
- (4) (a) 5.75 million tonnes—includes road haul to railhead;
- (b) 1.04 million tonnes—direct delivery by farmers to ports;

0.81 million tonnes—contract by road—excludes road haul to rail head.

(5) A detailed co-ordination of CBH and Westrail planning to maximise the effectiveness of storage and transport resources has been in progress since early in the season.

(6) Advice from CBH indicates the actual storage capacity which will be available at the ports will not be known until the overcarry of grain from last season is determined.

Total storage capacity at ports is approximately 2 million tonnes.

## TRANSPORT: DEREGULATION

### Monitoring: Report

1090. Mr RUSHTON, to the Minister for Transport:

- (1) When will he table the ongoing monitoring report on deregulation of transport on LCL since 1 July 1982?
- (2) Will he please let me have a copy?

Mr GRILL replied:

- (1) I anticipate tabling the report sometime during the coming two weeks.
- (2) Yes.

**TRANSPORT***Co-ordinator General and Transport Commission:  
Amalgamation*

1091. Mr RUSHTON, to the Minister for Transport:

- (1) Is the legislation to create a Transport Department and amalgamate the Co-ordinator General of Transport Office and the Transport Commission to be introduced into Parliament this year?
- (2) In what building is the new department to be accommodated?

Mr GRILL replied:

- (1) Legislation is presently being drafted, and will be put to Parliament as soon as possible.
- (2) Accommodation options are being examined.

**SEWERAGE***Kelmscott*

1092. Mr RUSHTON, to the Minister for Water resources:

- (1) Did he, last weekend, visit residents living in the area of Kelmscott in which it is proposed to introduce deep sewerage?
- (2) Why did he not let me know of his visit considering I am the local member who represents the electors, and residents, point of view to him?
- (3) Why did he make the visit?
- (4) What majority point of view did he gain from the visit?
- (5) How many replies has the authority now received from the residents in response to its letter to the people seeking a confirming opinion following receipt of a petition strongly against introduction of deep sewerage in the area designated?
- (6) How many replies have—
  - (a) supported deep sewerage;
  - (b) opposed deep sewerage?

Mr TONKIN replied:

- (1) to (3) I had planned a visit to Kelmscott on Saturday, 6 October 1984 to study the site of the proposed sewerage reticulation area Westfield 6A with a senior MWA officer.

While discussing the sewerage proposal with a resident on a radio talkback programme I mentioned my proposed visit, and as a matter of courtesy and at her

request, I agreed to meet with her at her home. I was unaware that a kerbside meeting with a group of protesters would be arranged.

- (4) There were about 18 people present so it cannot be used to sustain the idea of a majority view as far as all the residents affected by the proposed scheme are concerned. However, the figures quoted in (6) below indicate the views of the majority of respondents.
- (5) 258 replies up to 10 October.
- (6) (a) 105;
- (b) 153.

**GAMBLING: LOTTO***Agencies: Charges*

1093. Mr BRADSHAW, to the Minister representing the Minister for Administrative Services:

- (1) Is the Minister aware that the Lotteries Commission is charging new Lotto agents \$1 000 a year to join?
- (2) Does the Minister's department condone this action by the Lotteries Commission?
- (3) Does the Minister view this as another attack on small business?
- (4) Does the Minister intend to do anything about this charge on new Lotto agents?

Mr PEARCE replied:

- (1) I am informed that the Lotteries Commission is applying a Lotto service fee of \$20 a week on new and transferred Lotto agencies from 1 August 1984.
- (2) Decisions of this nature are a matter for the Lotteries Commission.
- (3) and (4) No.

**INSURANCE: BROKERS***Federal Legislation: Western Australian Licences*

1094. Mr BRADSHAW, to the Minister representing the Minister for Consumer Affairs:

- (a) Further to question 939, of 26 September 1984, in regard to the Federal Insurance (Agents and Brokers) Act 1984, once the Act has been proclaimed, will it be necessary for insurance agents and brokers to be licensed under the General Insurance Brokers and Agents Act 1981;
- (b) if so, why;

- (c) if not, will the fees paid for the next three years by the insurance agents and brokers in Western Australia be refunded in proportion to the time not required to be licensed in Western Australia and paid for?

Mr TONKIN replied:

- (a) to (c) Consideration is being given to this matter.

## ABORIGINAL AFFAIRS: LAND RIGHTS

### *Education Programme: Funding*

1095. Mr PETER JONES, to the Minister with special responsibility for Aboriginal Affairs:

- (1) Having regard to the funding provided by the State and Federal Governments through the Commonwealth employment programme to promote Aboriginal land rights in schools, and referred to in the media on 4 August 1984, is this programme now to be reviewed having regard to the suggested change in the policy of the State Labor Government?
- (2) Is the Inter-Church Committee on Aboriginal Affairs using public funding to promote a land rights policy for Aborigines which is opposed in part to the State Government's statement of principles?
- (3) Has the Inter-Church Committee on Aboriginal Affairs commented to the Government on the "statement of principles"?

Mr WILSON replied:

- (1) It is my understanding that an allocation from CEP funds was made to an inter-church group to promote an education programme regarding Aboriginal land matters. This programme has a limited funding period and is not to be reviewed.
- (2) It is my understanding that the programme was educational and was not concerned with propaganda.
- (3) Not to my knowledge.

1096. *Postponed.*

## WESTERN AUSTRALIAN DEVELOPMENT CORPORATION

### *Mineral Exploration: Equity*

1097. Mr PETER JONES, to the Premier:

- (1) Is it fact that a director of the Western Australian Development Corporation approached an international exploration company operating in Western Australia seeking equity participation in the company's Western Australian activities?
- (2) Is it also fact that the Western Australian Development Corporation was seeking equity participation without making any capital payment?
- (3) Is it also fact the company was advised that if it provided such equity participation, the Government would favourably consider any applications the company may make in the future?

Mr BRIAN BURKE replied:

- (1) to (3) I have no knowledge of any such approach and, in any case, the WADC has no authority to commit the Government to favourable or unfavourable consideration of any matter. The member might like to take this matter up with the WADC.

## ROAD: FARRINGTON ROAD

### *Premier: Discussions*

1098. Mr PETER JONES, to the Premier:

- (1) With regard to the controversy regarding the dispute over extensions to Farrington Road, has either the Melville or Cockburn City Councils sought discussions with him in the past three weeks?
- (2) Have any discussions taken place with either council by him?
- (3) If any discussions have been held between himself and either council, what was the result of these discussions?

Mr BRIAN BURKE replied:

- (1) Yes.
- (2) and (3) In early September I was contacted by and spoke several times by telephone with Mr Miguel of the Cockburn City Council.

While I have not met with the concerned parties, other Government Ministers have met with the Cockburn and Melville City Councils on this matter.

# ROAD: FARRINGTON ROAD

## *Kardinya Ratepayers Association: Proposal*

1099. Mr PETER JONES, to the Minister for Transport:

- (1) Did he approach the Kardinya ratepayers association for any suggestions or any possible compromise which might be considered to resolve the proposed extensions to Farrington Road?
- (2) What was the basic position of the ratepayers association?
- (3) What were the details of any compromise which the association indicated might be acceptable?

Mr GRILL replied:

- (1) No. However I had discussions on site at Farrington Road with a number of people including persons who I understand were members of the Kardinya ratepayers association.
- (2) The basic proposition put forward was that Farrington Road should not be extended around North Lake.
- (3) Some of the members said that they would be prepared to accept a compromise that saved Roe Swamp and in other respects was similar to the second set of recommendations made by the EPA.

# TRANSPORT: WESTRAIL

## *Staff: Statistics*

1100. Mr RUSHTON, to the Premier:

- (1) Is he now in a position to answer my question 992 of 27 September concerning the Government employment statistics?
- (2) Will he please table his reply so that it can be included in *Hansard*?

Mr BRIAN BURKE replied:

- (1) An answer will be supplied in writing shortly.
- (2) Yes.

# ROAD: FARRINGTON ROAD

## *Plans: Amended*

1101. Mr RUSHTON, to the Premier:

- (1) When does he expect to answer my question 941 of 27 September concerning Farrington Road and adjacent streets?
- (2) Will he please table his reply so that it can be included in *Hansard*?

Mr BRIAN BURKE replied:

- (1) An answer will be supplied in writing shortly.
- (2) Yes.

# GOVERNMENT PUBLICATION

## *"WA Government Notes": Cost*

1102. Mr MENSAROS, to the Premier:

What is the all-inclusive proportional cost of salaried staff, rent, electricity etc. of the approximate yearly cost of producing the *WA Government Notes*?

Mr BRIAN BURKE replied:

Separate figures for rent, electricity and staff cannot be extracted as officers involved in the preparation of *WA Government Notes* are also engaged in other duties.

1103. *Postponed.*

# ELECTORAL: ROLLS

## *Deletions: Non-voters*

1104. Mr MENSAROS, to the Minister for Parliamentary and Electoral Reform:

How many electors have been deleted from the electoral rolls as a result of not voting in the daylight saving referendum and not being found at their registered address by the postal referendum "Why Did You Not Vote" inquiries?

Mr TONKIN replied:

6 995. The member is advised that following the 1983 general election 31 938 electors were removed from the rolls because they failed to reply to their non-voter notices.

In 1983 the Government introduced amendments to the Electoral Act which were agreed to by the Parliament. These amendments removed the obligation on the Chief Electoral Officer to delete the names of all electors who failed to reply and substituted the obligation that before removal of such names he had to be satisfied that the electors no longer lived at their registered addresses.

The Acting Chief Electoral Officer is satisfied that the 6 995 electors whose names have been removed on this occasion no longer reside at their

registered addresses. Had the same rules applied to the daylight saving referendum as were operative at the 1983 general election, it is expected that the number of removals for failure to reply would have been at least 30 000

#### WATER RESOURCES: DAM

##### *Stinton Creek: Submissions*

1105. Mr MENSAROS, to the Minister for Water Resources:

(a) Adverting to question 2778 of 1984, has he now received from the Metropolitan Water Authority the summary of submissions on the proposed Stinton Creek dam;

(b) if so, would he table this summary?

Mr TONKIN replied:

(a) Yes.

(b) Yes. The report is hereby tabled.

*The paper was tabled (see paper No. 196).*

#### PASTORAL INDUSTRY: LEASES

##### *Applicants: Conditions*

1106. Mr MENSAROS, to the Minister for Lands and Surveys:

(1) Is it the Government's policy, as was with successive Governments in the past, to grant applications for pastoral leases to applicants who bought their lease from existing leaseholders and who can adhere to all required statutory conditions?

(2) If it is not the Government's policy, would he please tell the House what it is?

Mr McIVER replied:

(1) and (2) The question is not fully understood but the Land Act confers upon the responsible Minister in his absolute discretion, power to refuse or approve any transfer of a lease.

#### INDUSTRIAL RELATIONS: ARBITRATION

##### *Federal and State Commissions: Joint Powers*

1107. Mr MENSAROS, to the Minister representing the Minister for Industrial Relations:

Would he please tell the House what is the Government's policy regarding the recently reported recommendation of the President of the Federal Arbitration Commission, Sir John Moore, that the State and Federal arbitration commissions should have joint and interchangeable powers?

Mr PEARCE replied:

The Government's attitude concerning joint and interchangeable powers for State and Federal industrial tribunals is set out in detail in its recent submission to the Hancock committee of review into Australian industrial relations law and systems.

A copy of this submission will be made available to the member by the Office of Industrial Relations. The basis of the submission is that it supports the exercise by the State commission of Federal powers in certain circumstances.

#### GOVERNMENT EMPLOYEES: PUBLIC SERVICE BOARD

##### *Administrative Instruction No. 203*

1108. Mr MENSAROS, to the Minister for the Environment:

Adverting to his reply to question 2729 of 1984, as six months have passed since the original question, is he now in a position to say whether the Public Service Board's administrative instruction No. 203 prohibiting permanent employment in the State of migrants of non-Australian birth, is going to be repealed?

Mr DAVIES replied:

This matter was referred to the Premier and he advised that the Public Service Board's administrative instruction 203 relating to permanent appointment is the current criteria applying in the service.

The Public Service Board's citizenship requirement does not constitute discrimination but is an inherent job requirement. The matter is, however, being further looked at by the Multicultural and Ethnic Affairs Commission.

## ENVIRONMENT: WILSON INLET

### *Waterways Commission: Control*

1109. Mr MENSAROS, to the Minister for the Environment:

Referring to question 2771 of 1984, what results has he received from the department's monitoring and what advice, if any, from the Environmental Protection Authority regarding possible establishment of a Waterways Commission control over Wilson Inlet?

Mr DAVIES replied:

The department's investigations will include the summer sampling of algae in Wilson Inlet. The gathering of this data will mean that investigations and reporting will probably be completed in late autumn next year after full seasonal information. The request for consideration of Waterways Commission control will then be considered in light of the results of the investigations.

## ENERGY: ELECTRICITY

### *Power Station: Collie*

1110. Mr MENSAROS, to the Minister for Minerals and Energy:

- (1) In view of the answer by the Minister for the Environment to part (3) of question 2858 of 1984, is it a fact that the saline cooling water blowdown from both the existing power generators as well as the proposed new ones around Collie is going to be discharged via a pipeline into the sea?
- (2) What are the economics of such a proposition if the proposed new power station is not going to be built in Bunbury, in which case the saline water discharge pipeline could have served as a way to convey Collie coal to Bunbury?

Mr PARKER replied:

- (1) In my reply to Legislative Assembly question 899 of 26 September 1984 I advised that planning for the proposed Muja to Bunbury saline water pipeline has been suspended pending a review by the Public Works Department of management strategies to control the quality of water supplied to great southern towns.
- (2) The transport of coal to the previously proposed power station in Bunbury by a slurry pipeline was studied in detail by

the State Energy Commission and found to be uneconomic. The economics of the prospective saline water pipeline are not related to transport of coal by slurry pipeline.

## ENERGY: ELECTRICITY

### *Power Station: Collie*

1111. Mr MENSAROS, to the Minister for the Environment:

- (1) Adverting to question 2858 of 1984 has the environmental assessment proposed to be submitted to the Environmental Protection Authority been completed yet?
- (2) What form does this assessment take—i.e. environmental review and management programme or other document?
- (3) In either case, will there be an opportunity for public hearing and/or submissions?

Mr DAVIES replied:

- (1) No.
- (2) Not applicable.
- (3) This will be determined following advice from the EPA, after it has received and reviewed a preliminary draft of the document.

## HEALTH: MENTAL

### *Patients: Graylands*

1112. Mr JAMIESON, to the Minister for Health:

- (1) What is the present hold-up in transferring mental health patients from the Graylands complex to the various suburban annexes?
- (2) When is it anticipated that the changeover can now be expected?

Mr HODGE replied:

- (1) Transferring mental health patients from Graylands will be undertaken once the construction programme of all psychogeriatric extended care units is completed. This is scheduled for December 1984.
- (2) Immediately following the completion/commissioning of all psychogeriatric extended care units.

1113. *Postponed.*



## PRICES AND INCOMES ACCORD

### *Parties, and Youth Unemployment*

1114. Mr PETER JONES, to the Premier:

- (1) With reference to the reply given to question 691 of 1984 concerning the prices and income accord, who are the parties to the "accord" referred to in the reply?
- (2) By what method has the "accord" specifically assisted with youth unemployment?

Mr BRIAN BURKE replied:

- (1) The accord involves all levels of Government and the community.
- (2) The accord replaced the disastrous policies of the previous Government which saw a leap in youth unemployment in Australia from 104 000 in June 1981 to 164 000 in June 1983.

The accord has provided the foundation for the economic recovery now abundantly evident throughout Australia.

Since June 1983, 196 000 new jobs have been created and youth has benefited from this growth in employment.

## FORESTS: SAWMILLS

### *Softwoods: Pemberton*

1115. Mr MacKINNON, to the Minister for Forests:

- (1) Who is the owner of the Pemberton Softwoods Sawmill?
- (2) Who is the current lessee of that sawmill?

Mr BRIAN BURKE replied:

- (1) The land on which the mill is located is  

Land	Act	Reserve	No.
29587—Pemberton	lots	235 and	
241—vested in the Conservator of Forests for forestry purposes—pine sawmill—with the power to lease.			
- (2) The current lessees are G.T. and B.Y. Ryan.

## DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT

### *Amalgamation: Progress*

1116. Dr DADOUR, to the Premier:

With regard to the proposed Department of Conservation and Land Management, will he list all steps already taken towards the amalgamation of the wildlife

section of the Department of Fisheries and Wildlife, the National Parks Authority and the Forests Department?

Mr BRIAN BURKE replied:

- (a) An implementation group, working under the direction of the Chairman of the Public Service, was appointed to draft legislation and to draw up administrative arrangements for the department.
- (b) The implementation group, with the approval of the Chairman of the Public Service Board, appointed 14 specialised working groups to consider the structure and function of specialised units of the proposed department.
- (c) The implementation group co-ordinated the preparation of a budget for the component agencies and the proposed department.
- (d) An information subworking group is currently examining proposals for future publications from the new department.
- (e) The implementation group is considering options for accommodating the new department.
- (f) A regional subworking group has prepared draft proposals for the operation of the regional management groups of the new department.
- (g) The implementation group has prepared three information brochures on the activities of the information group for circulation to all staff members of the component agencies.
- (h) The Public Service Board has approved the broad structure of the new department.

## BUILDING INDUSTRY

### *Building Advisory Committee: Hollow Concrete Block Construction*

1117. Mr MacKINNON, to the Minister for Local Government:

- (1) Has the Building Advisory Committee yet completed its review of the question of cavity walls in respect of hollow concrete block construction in Western Australia?
- (2) If so, what was the outcome of that review?

Mr CARR replied:

- (1) No.
- (2) Not applicable.

## BUILDING INDUSTRY

### *Uniform Building Code: Change*

1118. Mr MacKINNON, to the Minister for Local Government:

- (1) Has he received any request to change the Uniform Building Code to allow the construction of single wall cement block houses in the goldfields?
- (2) If so, what decision has he made with respect to that request?

Mr CARR replied:

- (1) Yes.
- (2) The Building Advisory Committee has been requested to examine this issue.

## QUESTIONS WITHOUT NOTICE

### AUSTRALIAN LABOR PARTY

#### *Herb Graham House: Tender Documents*

295. Mr HASSELL, to the Minister for Housing:

- (1) Is the Minister aware that the tender documents prepared by the State Housing Commission for the sale of the land on which Herb Graham House now stands stipulated—
  - (a) The commission is prepared to consider only tenders which conform with the present zoning and the successful tenderer will be required to enter into an agreement to the effect that he will not seek rezoning of the land for any other use prior to completion of the approved development.
  - (b) If the purchaser applies to the relevant authority for rezoning of the site within the prescribed period, then the commission shall have the option to repurchase the land at the original sale price, less preparation and transfer fees.
  - (c) That the condition referred to in (b) would be protected by a caveat.
- (2) Does the existence of these strict injunctions against rezoning of the site explain why the Minister consistently refused to table in the House the documents of a public nature relating to the sale of the land?
- (3) Has the Minister or the commission given any consideration to its option to repurchase the land?

- (4) Will the Minister now give consideration to that point and/or ask the commission to do so?

The SPEAKER: Order! One part of that question might call for a legal opinion, but the other parts of the question are in order.

Mr WILSON, replied:

- (1) to (4) If the Leader of the Opposition puts that question on notice I will consider answering it.

Several members interjected.

Mr WILSON: The Government has consistently adopted the position that the Leader of the Opposition and his party, when in Government, adopted, a position which was against the tabling of documents from departmental files and it will continue to adopt that position.

## STATE FINANCE: CONSOLIDATED REVENUE FUND

### *Education and Energy: Pilbara*

296. Mrs BUCHANAN, to the Treasurer:

Can the Treasurer outline what action the Government proposes to take in the Pilbara for provision of energy and educational facilities in the 1984-85 Budget?

Mr BRIAN BURKE replied:

I am delighted to provide the information sought in such a reasonable fashion by the member for Pilbara.

Mr Peter Jones: Are we going to have a long answer or not?

Mr BRIAN BURKE: It will be longer by at least the length of the member's interjection.

The State Energy Commission will spend \$262.1 million on further work on the Dampier-Perth natural gas pipeline.

Completion of the Cape Lambert gas lateral pipeline will greatly reduce the Pilbara's dependence on fuel oil for electricity generation.

It will result in power supplies for Karratha, Point Samson, Roebourne and, later on, Port Hedland, being generated by the gas firing of the Cliffs Robe River Iron Associates' power station at Cape Lambert.

A further \$21.6 million being allocated to the Pilbara integrated power

supply scheme will enable the near completion of the Cape Lambert-Port Hedland transmission line and the terminal at Port Hedland.

The Government is also maintaining its strong commitment to the upgrading of educational facilities in the region. A total of \$3.6 million has been allocated for this purpose in this financial year.

The figure includes \$2.9 million for further work on Karratha College, including administration and technology building, auditorium, student amenities building and stage one of the student residences building.

Out of a total allocation of \$300 000 to the Hedland College, more than \$250 000 will be spent on residential units for students.

Improvements and additions to a number of schools in the Pilbara are also scheduled. These are—

Paraburdoo District High School, \$125 000;

Roebourne Primary, \$87 000;

Marble Bar Primary, \$80 000;

Newman High, \$50 000;

Tom Price District High, \$50 000; and

Wickham District High, \$49 000.

#### STATE FINANCE: CONSOLIDATED REVENUE FUND

##### *Acquisition of Land and Property*

297. Mr MacKINNON, to the Premier:

In the Budget papers, the Estimates of Revenue and Expenditure, the item, "acquisition of land and property", which last year had an expenditure of \$278 300, is listed this year as \$5.293 million. I ask—

Could the Premier indicate what the figure of \$5.293 million for the acquisition of land is for?

Mr BRIAN BURKE replied:

I do not have those details with me to enable me to answer the member's question. However, if he likes to put it on the Notice Paper, he will receive the full details involved in the purchase of the land to which he refers. I should say—as is normal with this Government—I am sure it is for an excellent purpose.

#### STATE FINANCE: CONSOLIDATED REVENUE FUND

##### *Health: Allocations*

298. Mr TROY, to the Minister for Health:

Can the Minister outline what amounts will be spent on health projects in the 1984-85 capital works programme and what the funds will be used for?

Mr HODGE replied:

A total of \$52.1 million will be spent on health projects in the 1984-85 capital works programme. The figure represents a \$23.4 million increase on health capital works for the previous year.

As foreshadowed after the June Premiers' Conference, the health programme contains substantial funds to restart the long-delayed Royal Perth Hospital north block. The sum of \$11.5 million has been allocated for the north block development and new car parking facilities at Royal Perth during the 1984-85 financial year.

Apart from the north block development, the State Government will spend \$33 million on the advancement of completion of health works in progress and a further \$7.6 million on new works.

In the metropolitan area, funding will allow completion of the Rottnest Island nursing post, Lemnos Hospital administration block, Osborne Park Hospital adult outpatient clinic, stage 1 extensions to the State X-Ray Laboratory and Swan District Hospital emergency centre.

Also completed this financial year will be the psychogeriatric extended care units at Armadale/Kelmscott, Bentley, Lemnos, Osborne Park and Swan District Hospitals as replacement facilities for Swanbourne Hospital.

Work will continue on renovations to Perth Dental Hospital, stages 1 and 2 of the development of Princess Margaret Hospital for Children, remodelling of Sir Charles Gairdner Hospital at the Queen Elizabeth Medical Centre and extended care assessment and restorative facilities at Bentley and Osborne Park Hospitals.

An estimated \$3.2 million on new works in the metropolitan area includes additions to the Western Australian School of Nursing, a community health centre

at Armadale and four group homes for the intellectually handicapped.

In country areas, works which will be completed include nursing posts at Dongara and Kalbarri, a new ward block and remodelling at Broome Hospital and major redevelopment of the Esperance and Merredin District Hospitals and the Port Hedland Regional Hospital. Work will also continue on the third stage of the redevelopment of Kalgoorlie Regional Hospital.

An estimated \$1.6 million on new works in country areas includes redevelopment programmes at Albany, Augusta and Kununurra Hospitals; improved administration, outpatient, casualty, operating and birth facilities at Broome Hospital; a community health centre at Bunbury; a public health complex at Coonana and health clinics at Noonkanbah and Parkeston.

### PARLIAMENT WEEK

#### *Seminar on Progress towards Parliamentary Democracy in Western Australia*

299. Mr MENSAROS, to the Minister for Parliamentary and Electoral Reform:

- (1) Is it a fact that the title of the seminar organised by the Minister during Parliament Week was entitled "Seminar on Progress towards Parliamentary Democracy in Western Australia"?

Mr Tonkin: Do you say the seminar organised by me?

Mr MENSAROS: By the Minister.

Mr Tonkin: I did not organise it.

Mr MENSAROS: To continue—

- (2) Is it a fact that the implication of this title is clearly that we have no parliamentary democracy and have to progress towards it?
- (3) Is it a further fact that papers delivered at this propaganda seminar have been or are being sent to every school in the State, thus trying to influence both the Government and the independent school system with one-sided party propaganda?

Mr TONKIN replied:

- (1) to (3) I thank the member for Floreat for that question. I think it illustrates once again the very jaundiced attitude which

the Opposition has towards any discussion about parliamentary matters.

In the first place, as I am sure he would know, I did not organise the seminar, nor did I suggest the topic. The seminar was organised by a committee consisting of various people, including academics.

Mr Mensaros: Outside Parliament—it was an administrative organisation.

Mr TONKIN: The committee which organised Parliament Week had representatives of parliamentary officers on it.

Mr Mensaros: It was responsible to the Minister because it was an appropriation not of Parliament but of a department.

Mr TONKIN: That is true, but that does not mean to say that I in any way organised that seminar.

Mr Clarko: You were responsible for it.

Mr TONKIN: I guess the Minister is responsible for everything that happens under his portfolio. I do not know who thought up the title "Progress towards Parliamentary Democracy", but it was approved by the committee. It certainly was not a committee of politicians, and I did not sit on that committee. I have been criticised for not having politicians on the committee. I still think it was better to have Parliament Week rather than taking our conflicts from here on to the committee system. The topic was decided upon by that committee.

Mr MacKinnon: A waste.

Mr TONKIN: If the Deputy Leader of the Opposition thinks a better understanding of Parliament is a waste, that indicates his attitude. The Opposition refused to co-operate.

Mr Mensaros: I wrote a letter.

Mr TONKIN: I would have thought that a person with the educational background of the member for Floreat would be aware that democracy is an absolute term. It is part of a continuum. It is not possible to organise any society as an absolute democracy, because absolute democracy means absolute equality—absolute rule by the people. We would all be aware that every system ever devised does not attain that perfect end, therefore we are talking about progress towards parliamentary democracy. We have not said that there has been no

progress, we are not saying that we are at the other end of the continuum. In fact I have gone on record repeatedly as saying that our system is a great system. It cannot be compared with a totalitarian system under which the majority of people on this earth suffer.

Mr Spriggs: You should agree; it is the best in the world.

Mr TONKIN: I do not say that it is the best in the world, because as members are aware, one can have a situation where representatives of 27 per cent of the population have a majority in one House. How can one say that that is the best system?

Mr Spriggs: That is not true, and you know it.

Mr TONKIN: It is true. We have a system in which a party which loses an election wins more seats than the other side, as happened in the Legislative Council last year. One cannot call that the best system.

Mr Spriggs: You are just trying to work the figures to suit yourself.

Mr TONKIN: If one party gains more than 50 per cent of the vote and wins fewer seats than the party which received 45 per cent of the vote, obviously something is wrong with the system. However, I am not denying that we have had progress.

Since 1832 when the Legislative Council was established—it was purely a nominated Council then—we have made progress towards parliamentary reform. If one reads the papers presented at the seminar—most of them were given by academics—one finds there was no attempt to disguise the fact that we have moved significantly towards parliamentary democracy, but we have not reached perfection. If any member would like to say that we have reached perfection, I would be astounded. The Government looks forward to the continuation of that progress.

The Liberal Party was represented at the seminar, and people of any political persuasion could make their points known. There is no question that seminars such as that will help us to perfect the system.

By acting like spoilt schoolboys, members of the Liberal Party do not do any justice to politics and Parliament. They confirm the belief held by many people

that parliamentarians do not act responsibly much of the time. If members of the Liberal Party showed more maturity and better judgement, they would co-operate with the Government and have discussions on the matter of Parliament.

Finally, I point out that I have been delighted to see that several members of the Liberal Party had their photographs in local newspapers indicating they took part in Parliament Week. I am pleased that not all the members of the Liberal Party took an obstructionist and negative attitude towards this great innovation.

Once again, Western Australia leads the way. Western Australia is the first State to have had a Parliament Week.

#### STATE FINANCE: CONSOLIDATED REVENUE FUND

##### *Education: Increase*

300. Mr D. L. SMITH, to the Minister for Education:

Can he outline the increase in the education budget over the previous year's allocation, and the purposes to which the funds will be put?

Mr PEARCE replied:

There has been 10.8 per cent increase in the education budget over last year's allocation.

The Budget provisions will enable the Government to make significant progress towards introducing the necessary reforms recommended by the Beazley and McGaw committees on education.

The \$688.1 million allocation is an increase of \$68.3 million. This year's allocation will allow the Education Department to employ 485 extra staff—387 teachers and 98 support staff members.

The Government will also provide funds for the employment of an extra 30 primary teachers above normal staffing levels to make good its promise to put 50 extra teachers in the primary schools. Twenty extra teachers were employed after last year's Budget. This will help to improve pupil-teacher ratios in the early years of schooling.

Ten extra staff will be appointed to work on school curriculum changes recommended by the Beazley committee.

The Budget provides for an extra 25 teachers and 32 teacher aides to be employed to work with handicapped children.

Technical and further education centres will be opened at Kellerberrin and Manjimup to improve services provided in rural areas.

The \$53 million capital works programme is the greatest ever in the history of education in this State.

#### STATE FINANCE: CONSOLIDATED REVENUE FUND

##### *Country High Schools Hostel: Narrogin*

301. Mr PETER JONES, to the Minister for Education:

In the capital works Budget, some \$780 000 is allocated to the Country High Schools Hostels Authority, and included in that is \$200 000 for works already in progress. I ask—

In view of the commitment made, in anticipation of the Budget, of some \$400 000 for a new hostel at Narrogin, does that mean that the remainder of the capital works Budget will be only \$100 000? In other words, is Narrogin included in that or not?

Mr PEARCE replied:

Yes, the forward commitment of the money for the Narrogin hostel was made in advance of the Budget because of the unprecedented demand for hostel places in country areas this year.

Mr Brian Burke: We are so even-handed about our approach, we actually allocated some to your electorate in advance of the Budget.

Mr Peter Jones: You will also note that I did not ask for this.

Mr PEARCE: Nevertheless, the electors of the member for Narrogin came to me in great profusion.

Mr Old: What sort of building will it be?

Mr Brian Burke: Fibro!

Mr PEARCE: Let me take one point at a time. The sudden demand became obvious only when the people sought to enrol their children. I received a deputation in Parliament House and subsequently I visited Narrogin, inspected the building, and met the committee. As a result of

that, I approved of the increase in the size of the Narrogin hostel from 200 to 250 people. That seemed very large to me, but the Narrogin hostel people believed that was all right.

The demand was clear, so we made a financial commitment to increase the kitchen-dining room arrangement and provide an extra wing at the hostel. I am not in a position to give precise details of that. However, it will not be a fibro building. It will be a quality brick building in accordance with the rest of the hostel.

The situation of a number of hostels, including Moora, Katanning, and Albany, is being considered. The Albany situation was the subject of some discussions today. If it is necessary to provide additional places at all or any of those hostels, the \$100 000 will be a forward commitment. The member will be aware of the process whereby allocations are taken over two years, with the bringing on of the construction work ahead of the second year's commitment.

Mr Peter Jones: If you have to do all those other things, you will need more money.

Mr PEARCE: That is right.

It is still not clear what additional places will be necessary, and I am awaiting the return from overseas of the Chairman of the Country High Schools Hostels Authority before final decisions are made.

#### STATE FINANCE: CONSOLIDATED REVENUE FUND

##### *Allocations: South-eastern Corridor*

302. Mrs HENDERSON, to the Treasurer:

Can he outline what provisions he has made in the 1984-85 Budget for health, education, and public transport for the residents of the south-eastern corridor?

Mr BRIAN BURKE replied:

I am delighted to answer the question from the member who, by the way, is doing an excellent job in steering the equal opportunity legislation through the Parliament.

More than \$10 million will be spent on health and education buildings in the southern and eastern suburbs of Perth.

The programme includes \$2 million to complete the Armadale-Kelmscott psychiatric extended care unit and

\$310 000 for a community health centre at Armadale.

Additional stages will be built at the Cecil Andrews High School, Armadale, at a cost of \$269 000.

The works programme contains more than \$1.7 million for the continued development of Thornlie Technical College.

On transport, MTT depots at the Causeway—\$400 000—Gosnells—\$312 000—and Kalamunda—\$340 000—will receive funds.

### STATE FINANCE: CONSOLIDATED REVENUE FUND

#### *Education: Teachers*

303. Mr CLARKO, to the Minister for Education:

In relation to the section of the Consolidated Revenue Fund Budget setting out the teaching staff for pre-primary and primary education, the figure shown for this year is 7 388 teachers. The Minister has just explained that the Budget provides for an additional 387 teachers. I ask—

Will he explain why only 7 388 teachers are to be provided for primary and pre-primary education in this year when in the previous year there were 7 402, leaving a fall of 14 in the number of primary and pre-primary teachers?

Mr PEARCE replied:

In the whole area of primary and pre-primary teaching numbers there are three shifts. To maintain the staff-student ratio between primary teachers and students requires 120 fewer teachers in 1985 because of the significant drop in primary school enrolments.

Mr Clarko: I thought you were going to cut down those teacher-student ratios.

Mr PEARCE: We are, and that is the first shift. Instead of reducing the primary teaching force by 120, we are reducing it by 90, which means those additional 30 teachers go to improve the primary staff-student ratio. In addition, those 20 extra primary teachers we provided on the same basis last year, are a contribution to the staff-student ratio reduction.

There is also an increase in the number of pre-primary teachers, although the exact number escapes me for the moment. What we are getting is a reduction in primary teachers to maintain the primary staff-student ratio, with the additional primary teachers going to improve the pre-primary staff-student ratios and with the extra pre-primary teachers being used not only to deal with the increase in the number of five-year-olds, but also to take some account of our four-year-olds' programme.

### STATE FINANCE: CONSOLIDATED REVENUE FUND

#### *Housing: Allocation*

304. Mr BURKETT, to the Minister for Housing:

(1) Can he outline whether there will be any significant increase in the State Housing Commission's Budget allocation this year?

(2) If so, how many new homes will be built in the metropolitan area?

Mr MacKinnon: Were you asleep during the Premier's speech?

Mr BURKETT: I was not asleep, but the Deputy Leader of the Opposition looked absolutely shocked out of his mind. I am surprised he is up and about so soon.

Mr WILSON replied:

(1) and (2) I agree with the sentiments of the member for Scarborough: The Budget is so good it is worth repeating. I really am very proud to announce a \$186.9 million allocation, the biggest yet, to the State Housing Commission's building programme for the coming year. It was an increase of \$114.3 million over last year's figures. This year, 1 400 new homes will be built in the metropolitan area, and 740 in the country and north-west.

Funds to be made available for low to moderate income earners through home purchase schemes will be lifted to \$69.3 million. This will be administered through the State Housing Commission and terminating building societies. The programme will include a new rental purchase scheme.

The SHC will have the flexibility to respond to the needs of applicants and to determine satisfactory repayment terms

and conditions. Existing rental tenants will also be given the opportunity to acquire their own homes.

The Government Employees' Housing Authority will undertake an \$18.4 million programme to complete 225 units this year.

The Industrial and Commercial Employees' Housing Authority and the Rural Housing Authority will undertake programmes of \$3.1 million and \$1.6 million respectively.

Expenditure on housing and related activities in 1984-85 will amount to \$210 million compared with \$84.5 million in 1983-84.

## FISHERIES: TUNA

### *Quotas: Sales*

305. Mr WATT, to the Minister for Fisheries and Wildlife:

(1) Is the Minister aware—

Mr Brian Burke: How is that swimming pool being received?

Mr WATT: What pool?

Mr Brian Burke: The one we have just funded.

Mr WATT: The State did not approve it; the State committee knocked it back twice. The Federal Government funded it. To continue—

Is the Minister aware that several tuna fishermen are believed to have sold their quotas to a South Australian buyer?

(2) Of the quotas which came to WA and totalling just over 2 700 tonnes, does he have an estimate of how much has already been sold or negotiated for sale?

(3) Has any estimate been made of the level of quota which would need to be retained in WA for the canneries to remain viable?

(4) Is the Minister able to offer any advice or information which might help to dissuade tuna fishermen from selling their quota before details of the Government's proposed assistance are announced after next Monday's Cabinet meeting?

Mr EVANS replied:

(1) I have heard that some Western Australian southern bluefin tuna quota has been sold to South Australian buyers, but it is impossible to verify that

at this time. It is not possible to know the amount sold or the amount that has been negotiated for sale. I understand that fishermen were informed towards the end of last week by a telegram from the Commonwealth Government of the extent of their quota, and it is therefore unlikely that they would have quota certificates or any legal documentation which would enable them to enter into the transference of quota—but I do not doubt that offers and acceptances could have taken place.

(2) Any accurate record of quota sales is not possible and will not be until transfers have been recorded.

(3) The information the member seeks about the level of quota which would be required to retain both canneries in WA in operation would be known only to the canneries themselves, although I understand that the throughput of at least one of them depends to the extent of 30 per cent on its tuna operations. The 1983-84 quota of 4 300 tonnes was, as far as I am able to ascertain, pretty well all utilised locally in those canneries, so it is therefore important, in fact essential, that the transfer of quota to other States is absolutely minimised. The Government's strategy is aimed at just this and at minimising the dislocation that would occur not only with the canneries but also with the downstream industries, and these probably represent an even greater employment force. The Government also seeks to ensure that the maximum time for construction and reorganisation of the tuna industry is available to the people who are involved in that industry.

(4) A task force was set up immediately after meetings at Albany and Esperance about three weeks ago, at which meetings were received some public submissions not only from the tuna industry, but also from other interested bodies within the towns. It was following upon that that the task force, which also involved industry, reported back with a document which provided the basis for a joint Cabinet decision by the Minister for Regional Development and the North West and me at last Monday's Cabinet meeting. The decision made at that Cabinet meeting was announced in a Press release by the Premier who indicated that the Government would



make available substantial assistance and that this would probably be finalised by the Cabinet meeting on Monday next. However, I am very happy to be able to inform the member for Albany that the Premier and the Minister for Budget Management have verified that the level of aid contained in the package will be put into effect immediately.

Mr Brian Burke: That is us, not the Commonwealth.

Mr Watt: I appreciate it.

Mr EVANS: I am not so worried about the swimming pool as I am concerned about the fishing industry. The administration of the scheme will undoubtedly have to be carried out through the Department of Fisheries and Wildlife, and there are several administrative and legal details being tidied up at present. But the principle has been espoused and the fishermen have been informed. The package is in place and hopefully tomorrow the final details will be made available to the fishermen.

I commend the task force and the Government on the most expeditious manner in which this matter was tackled and for the level of assistance brought into effect. It is never easy when dealing with half a dozen Government departments to come down with a decision within a matter of several weeks. I commend strongly all those who have been involved in this overall exercise.

By way of conclusion, I will ensure that the member for Albany is given the most up to date information as soon as it becomes available; that is, within the next day or so.

#### ROAD: FARRINGTON ROAD

##### *Environment and Funding*

306. Mr BLAIKIE, to the Minister for Transport:

My question relates to Farrington Road. I ask—

- (1) Was the Minister reported correctly in the *Daily News* of yesterday when it was claimed that he wrote to the Commonwealth Government in July last year and said—

I advise that in this submission there are no environmentally significant projects for referral to the

Western Australian Department of Conservation and Environment or the Environmental Protection Authority.

- (2) Will the Minister now, with the advantage of hindsight, advise the House of his position and also the position of the Main Roads Department in relation to Farrington Road, its funding, and its future?
- (3) Will the Minister table all the relevant papers and correspondence relating to Farrington Road that will indicate the Government's role in the subsequent sequence of events?

Mr GRILL replied:

- (1) to (3) Yes, the information contained in the *Daily News* was correct. However, a pertinent point was omitted; namely, the fact that once the red book recommendations were accepted in principle by the Cabinet, the Main Roads Department almost immediately filed a notice of intent with the Environmental Protection Authority and then changed its advice to me on environmental approvals for the road.

Mr Blaikie: So it was the department's fault, not yours.

Mr GRILL: I do not think anyone suggests that I was ever at fault. What I am saying, if the member will listen instead of trying to take some simplistic view of the matter, is that once the red book proposals were accepted by Cabinet in May or June of this year—

Mr Blaikie: In October of last year!

Mr GRILL: Accepted by Cabinet! If only the member would listen. The Main Roads Department then not only filed a notice of intent with the EPA, but also changed its advice to me.

A letter was then sent to the Commonwealth Department of Transport indicating that no funds would be allocated for Farrington Road until such time as the Environmental Protection Authority had authorised the project. That is what happened.

Mr Rushton: That was left out of the report.

Mr GRILL: That was left out of the report.

Mr Blaikie: Finally, will you table the papers?

Mr GRILL: I do not know what further papers the member wants tabled. If there are any particular papers he wants, I would be more than happy to table them. The member has already had tabled the report from the EPA. I am quite happy to table any other documents in my possession. Of course, in respect of a local government authority road a lot of documentation is in the hands of the relevant shires. There is documentation also with other departments which do not come under my direction. Any documents I have the member can have if he details what he wants.

### TRANSPORT: FREIGHT

#### *Air: Brunei-Perth*

307. Mrs BEGGS, to the Minister for Transport:

Can the Minister say what progress has been made on the application by the freight operator Skytraders to operate regular airfreight services between Perth and Brunei?

Mr GRILL replied:

I am delighted to report that within the last couple of hours I have been advised by the Federal Minister for Aviation, Mr Beazley, that he has given approval for this service to commence.

The decision means that Skytraders will be able to fly about 25 tonnes of perishable cargo to markets in Brunei and the neighbouring Malaysian States of Sabah and Sarawak each week.

I have given this application my strong support in recent months and I know the decision will be warmly welcomed by exporters and businessmen in Western Australia.

It means that we have regained access to a trade market which was lost when Cathay Pacific replaced its Lockheed Tri-Star with a Boeing 747 service direct to Hong Kong.

I regard the decision as a major breakthrough in the Western Australian Government's overall strategy for developing closer trading ties with South-East Asia. It is imperative that adequate transport facilities are provided to complement and facilitate these trade ties.

I would point out that the Skytraders application is not the only one this Government has supported. We are also backing an application by a Western Australian-based company Trans-Corp to operate an international air cargo service out of Perth.

In welcoming today's decision I would urge exporters and local businessmen to support this new cargo service. We have fought hard to get it and the businessmen have pressed hard for its introduction. Now it is up to them to support it.

### HEALTH: HOSPITAL

#### *Bentley: Bookings*

308. Mr WILLIAMS, to the Minister for Health:

- (1) Is the Minister aware that yesterday a group of doctors met with the Administrator of the Bentley Hospital and were informed by the administrator that no surgery bookings would be taken after 31 October and no obstetric bookings would be taken after 1 October and that those bookings that had already been made for obstetrics in November and December would have to be cancelled?

The Minister stated that doctors could book obstetrics if they had applied for and taken sessions at the hospital.

- (2) Is the Minister aware also that for those doctors who have applied for sessions at the hospital, as yet no appointments selection committee has been set up, so no appointments can be made? Therefore, at Bentley Hospital it looks like a complete close-down.
- (3) Will the Minister take immediate steps to rectify this ridiculous situation?
- (4) Will the Minister have the decency to honour those appointments that have been made for expectant mothers in November and December?
- (5) If not, where does he expect those mothers to have their children?

Mr HODGE replied:

- (1) to (5) No, I cannot confirm any of those things. I am not aware of any meeting that was held yesterday. If a meeting

was held I am not aware of what was said to whom. I can confirm that only a few doctors have applied for the appointed positions which were advertised. Unfortunately there appears to have been a concerted boycott of the positions.

In view of the reluctance on the part of local doctors to apply for positions I am now considering what action I will take in future to ensure that a high standard of hospital care is available to the residents of Bentley. I have not made a final decision yet.

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